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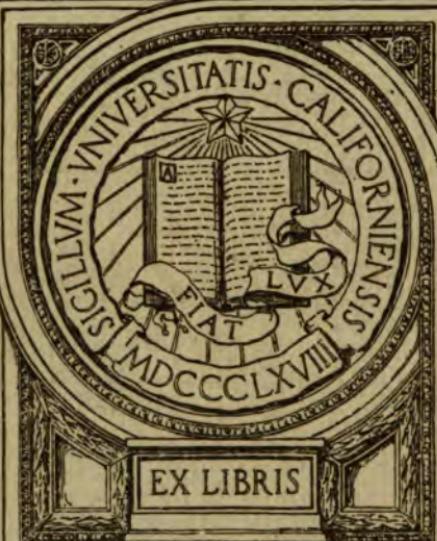
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THE *J. S. W.*
ELECTION LAW
OF THE
STATE OF NEW YORK
WITH
NOTES AND INSTRUCTIONS

INCLUDING

Primary Election Law, Town Enrollment Act and Metropolitan
Elections District Law

With Amendments to and including the
LEGISLATIVE SESSION OF 1907

Prepared under the direction of
JOHN S. WHALEN
Secretary of State

ALBANY
J. B. LYON COMPANY, PRINTERS
1907

New York (State) Laws, etc., etc.

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POLITICAL CALENDAR

GENERAL ELECTION, 1907

Election day, Tuesday, November 5. Polls open 6 A. M., polls close 5 P. M.

Annual primary day, seventh Tuesday before the day of general election — September 17, except in the city of New York, where the sixth Tuesday before the day of general election, shall be known as annual primary day, September 24. In a county having within its limits a city of the first class there is an additional primary day on the fifth Tuesday before general election day — October 1. In such city the first primary election will not be held in case a State or judicial convention is not called for the nomination of a State officer or judge of the Supreme Court. See Primary Election Law, § 4. See also § 14-a.

Registration days in all cities, except New York, and in villages of five thousand or more inhabitants, as follows:

First day, Friday, October 11, 8 A. M. to 9 P. M.

Second day, Saturday, October 12, 8 A. M. to 9 P. M.

Third day, Friday, October 18, 8 A. M. to 9 P. M.

Fourth day, Saturday, October 19, 8 A. M. to 9 P. M.

In the city of Buffalo the hours for registration are from 7 A. M. to 10 P. M.

Registration days in New York city, as follows:

First day, Monday, October 7, 7 A. M. to 10 P. M.

Second day, Tuesday, October 8, 7 A. M. to 10 P. M.

Third day, Saturday, October 12, 7 A. M. to 10 P. M.

Fourth day, Monday, October 14, 7 A. M. to 10 P. M.

Registration in election districts other than in cities or villages of five thousand inhabitants or over, are:

First day, Saturday, October 12, from 9 A. M. to 9 P. M.

Second day, Saturday, October 19, from 9 A. M. to 9 P. M.

Designation of polling places except in the city of Buffalo, Tuesday, September 3; in the city of Buffalo, August 5.

List of candidates for election officers in cities to be filed not later than July 1.

Appointment of election officers in cities on or before September 1.

Publication of polling places and election district boundaries in cities, except New York, October 10, 11, 12, 17, 18, 19, November 4 and 5. In New York city, October 6, 7, 8, 11, 12, 13, 14, November 4 and 5.

Certificates of nominations to be filed with Secretary of State:

Party certificates, September 26 to October 6.

Independent certificates, September 26 to October 11.

To be filed with county or city clerk, board of elections of New York city and commissioner of elections of Erie county:

Party certificates, October 1, to October 11.

Independent certificates, October 1, to October 16.

Where town meetings are held on general election day, certificates of nomination for town offices shall be filed with the town and county clerks, within the time required for the filing of certificates of nominations with the county clerk; except that in the county of Erie such certificates shall be filed with the commissioner of elections and the town clerks not less than twenty nor more than thirty days before the day of election.

Certificates of nominations by Secretary of State, October 22.

Publication of nominations in newspapers not later than October 30.

Lists of candidates to be posted by town clerk or alderman on or before November 2.

Declination of party nomination to be filed with Secretary of State not later than October 11; of independent nomination not later than October 16.

Declination of party nomination to be filed with county or city clerk, board of elections of the city of New York, or commissioner of elections of the county of Erie, not later than October 16, of independent nomination not later than October 18.

Except that a declination of nomination to a town office in towns where town meetings are held at the time of general elections must be filed in the office of the county clerk, and if in the county of Erie in the office of the commissioner of elections, within the time required by this section for filing the declination of nomination to a county office.

Objection to nomination certificate must be made in writing within three days after the filing thereof.

Vacancies in nominations caused by declination or disqualification must be filled by filing a certificate with Secretary of State, county clerk, city clerk, board of elections of the city of New York, or commissioner of elections of the county of Erie on or before October 21.

When a candidate dies after the official ballots have been printed, the vacancy may be filled by filing the proper certificate, and the officer providing the official ballot must then provide official adhesive pasters bearing the name of the new nominee. The pasters are affixed to the ballots by the ballot clerks before delivery to the electors.

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THE ELECTION LAW.

CHAP. 909.

AN ACT in relation to the elections, constituting chapter six of the general laws.

BECAME a law May 27, 1896, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER VI OF THE GENERAL LAWS.

The Election Law.

ARTICLE

- I. Times, places, notices, officers and expenses of elections. (Sections 1 to 19.)
- II. Registration of electors. (Sections 30 to 36.)
- III. Primaries, conventions and nominations. (Sections 50 to 66.)
- IV. Official and sample ballots, instruction cards and stationery. (Sections 80 to 89.)
- V. The conduct of elections. (Sections 100 to 114.)
- VI. County and state boards of canvassers. (Sections 130 to 142.)
- VII. Voting machines. (Sections 160 to 184.)
- VIII. Electors of president and vice-president and representatives in congress. (Sections 190 to 198.)
- IX. Contributions to and expenditure of campaign funds. (Sections 200 to 221.)

ARTICLE I.

Times, Places, Notices, Officers and Expenses of Elections.

SECTION

- 1. Short title.
- 2. Date of general election.
- 3. Time of opening and closing polls.
- 4. Filling of vacancies in elective offices.
- 5. Notices of elections.
- 6. Notice of submission of proposed constitutional amendments or other propositions or questions.
- 7. Publication of concurrent resolutions, proposed constitutional amendments and other propositions.
- 8. Creation, division and alteration of election districts.
- 9. Maps and certificates of boundaries of election districts.
- 10. Designation of places for registry and voting, publication of same; and provision of furniture therefor.
- 11. Election officers; designation, number and qualifications.
- 12. Appointment of election officers in cities.
- 13. Election officers in towns.

SECTION 14. Organization of boards of inspectors; supplying vacancies and
absences.

15. Preservation of order by inspectors.
16. Ballot boxes.
17. Voting booths and guard-rails.
18. Payment of election expenses.
19. Delivery of election laws to clerks, boards and election officers.

Section 1. **Short title.**— This chapter shall be known as the election law.

§ 2. **Date of general election.**— A general election shall be held annually on the Tuesday next succeeding the first Monday in November.

§ 3. **Time of opening and closing polls.**— The polls of every general election, and, unless otherwise provided by law, of every other election shall be opened at six o'clock in the forenoon and shall close at five o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to electors, and the electors entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act. It shall not be lawful for any corporation, association, co-partnership or person, to sell, offer or expose for sale, or give away, any liquor on the day of a general or special election, within one-quarter of a mile of any voting place, while the polls for such election shall be open. A violation of this provision shall be deemed a misdemeanor. (*Thus amended by chap. 335, Laws of 1898, and chap. 654, Laws of 1901.*)

For duties at opening of polls, see § 100, and closing of polls, see § 110.

§ 4. **Filling vacancies in elective offices.**— A vacancy occurring before October fifteenth of any year in any office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his official term; or upon the occurrence of a vacancy in any elective office which cannot be filled by appointment for a period extending to or beyond the next general election at which

a person may be elected thereto, the governor may in his discretion, make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation. A special election shall not be held to fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occurs before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after October fourteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. (*Thus amended by chap. 119, Laws of 1907.*)

§ 5. Notices of elections.— The secretary of state shall, at least three months before each general election, make and transmit to the county clerk of each county, except the county clerk of the county of Erie, and to the board of elections of the city of New York, and to the commissioner of elections of the county of Erie, a notice under his hand and official seal, stating the day upon which such election shall be held, and stating each officer, except city, village and town officers, who may be lawfully voted for at such election by the electors of such county or any part thereof. If any such officer is to be elected to fill a vacancy, the notice shall so state. The secretary of state shall forthwith, upon the filing in his office of the governor's proclamation ordering a special election, make and transmit to each county clerk, except the county clerk of the county of Erie, and to the board of elections of the city of New York, and to the commissioner of elections of the county of Erie, a like notice of the officers to be voted for at such special election in such county or city or any part thereof, and cause such proclamation to be published in the

newspapers published in such county having large circulation therein, at least once a week until such election shall be held. Each county clerk, and in the county of Erie the commissioner of elections, shall forthwith, upon the receipt of either such notice, file and record it in his office, and shall cause a copy of such notice to be published once in each week until the election therein specified in the newspapers designated to publish election notices. He shall also publish, as a part of such notice, each city, village and town officer who may lawfully be voted for at such election by the electors of such county or any part thereof; and the city, village and town clerks of each county shall, at least three months before each general election, make and transmit to the county clerk of the county, except in the county of Erie, and in the county of Erie to the commissioner of elections, a notice under their respective hands and official seals, stating each city, village or town officer to be voted for at such election. (*Thus amended by chaps. 95 and 232, Laws of 1901, and chap. 643, Laws of 1905.*)

§ 6. Notice of submission of proposed constitutional amendments or other propositions or questions.— Every amendment to the constitution proposed by the legislature, unless otherwise provided by law, shall be submitted to the people for approval at the next general election, after action by the legislature in accordance with the constitution; and whenever any such proposed amendment to the constitution or other proposition, or question provided by law to be submitted to a popular vote, shall be submitted to the people for their approval, the secretary of state shall include in his notice to the county clerk and the board of elections of the city of New York, and the commissioner of elections of the county of Erie, of the general election, a copy of such amendment, proposition or question, and if more than one such amendment, proposition or question is to be voted upon at such election, such amendments, propositions or questions, respectively, shall be separately and consecutively numbered. If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk and the board of elections of the city of New York and the commissioner of elections of the county of Erie, a like notice. Each county clerk and

the said commissioner of elections shall, forthwith upon the receipt of such notice, file and record it in his office, and shall cause a copy of such notice to be published once a week until the election therein specified, in the newspapers designated to publish election notices. (*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

§ 7. Publication of concurrent resolutions, proposed constitutional amendments and other propositions.— The secretary of state shall cause each concurrent resolution of the two houses of the legislature, agreeing to a proposed amendment to the constitution, which is referred to the legislature to be chosen at the next general election of senators, to be published once a week for three months next preceding such election, in two newspapers published in each county, representing the two political parties polling the highest number of votes at the then last preceding general election, and in one additional newspaper published in each county for every one hundred thousand people in such county, as shown by the then last preceding federal or state enumeration. Such additional newspaper shall be selected by the secretary of state with reference to making such publication in newspapers having the largest circulation in the county in which they are published. If such resolution does not state that such proposed amendment is so referred to such legislature, the secretary of state shall publish, in connection with the publication of such concurrent resolution, a statement that such amendment is referred to the legislature to be chosen at the next general election. The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the electors of the state at a general or special election, to be published for a like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such submission will be made and the reading form in which it is to be submitted. If such proposed amendment or other proposition or question is to be submitted at a special election, to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as soon as practicable after such appointment, and shall continue once in each week to the time of the election.

§ 8. Creation, division and alteration of election districts.— Every town or ward of a city not subdivided into election districts shall be an election district. The town board of every town containing more than four hundred electors, and the common council of every city except New York and Buffalo, in which there shall be a ward containing more than four hundred electors, shall, on or before the first day of July in each year, whenever necessary so to do, divide such town or ward respectively into election districts, each of which shall be compact in form, wholly within the town or ward, and shall contain respectively as near as may be, four hundred electors, but no such ward or town shall be again divided into election districts until, at some general election, the number of votes cast in one or more districts thereof shall exceed six hundred; and in such case the redivision shall apply only to the town or ward in which such district is situated. If any part of a city shall be within a town, the town board shall divide into election districts only that part of the town which is outside of the city. No election district including any part of a city shall include any part of a town outside of a city. A town or an election district thereof, or ward of a city containing less than four hundred electors may, at least thirty days before the appointment of inspectors of election of such town, district or ward, be divided into election districts by the board or other body charged with such duty when, in the judgment of such board or body, the convenience of the electors shall be promoted thereby. The creation, division or alteration of an election district outside of a city shall take effect immediately, and on or before September first the town board shall appoint four inspectors of election for each election district so created, divided or altered, two of whom in each district shall belong to the political party which at the last preceding general election for state officers shall have cast the greatest number of votes in such town, and the other two of whom shall belong to the political party which at such election shall have cast the next highest number of votes in such town. If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, or ward of a city, it shall take effect immediately, but a new town or ward shall not be created, and no new town

or ward shall be subdivided into election districts between the first day of August of any year, and the days of the general election next thereafter. If a town shall include a city, or a portion of a city, only such election districts as are wholly outside of the city shall be deemed election districts of the town, except for the purpose of town meetings. The board of elections of the city of New York and in the city of Buffalo the commissioner of elections shall divide such city into election districts on or before the first day of July in any year whenever necessary so to do as herein provided. The election districts in the counties within the city of New York shall contain, so far as possible, five hundred electors, provided, however, that any election district containing less than seventy-five electors in such counties, made necessary by the crossing of congressional lines with other political divisions, may be consolidated with contiguous election districts in any year when no representative in congress is to be voted for in such district. Such election districts so established in the city of New York shall not again be changed until at some general election the number of registered electors therein shall exceed five hundred, except where changes are made necessary by a change in the boundaries of congressional, senate, assembly, aldermanic or municipal court districts or ward lines, provided, however, that when the number of registered electors in an election district shall, for two consecutive years, be less than two hundred and fifty, such district may be consolidated with contiguous election districts in the discretion of said board of elections. In the city of New York each election district shall be compact in form, entirely within an assembly district and numbered in consecutive order therein respectively. No election district shall contain portions of two counties, or two senate or assembly districts. (*Thus amended by chap. 95, Laws of 1901; chap. 644, Laws of 1903; chaps. 643 and 675, Laws of 1905; chap. 570, Laws of 1906, and chap. 472, Laws of 1907.*)

§ 8a. Abolition or consolidation of election districts in towns.— If at a general election at which a governor is elected, the number of votes cast for governor in an election district in any town be less than four hundred, the town board of the town may, if such town contains two election districts, abolish the division of the town into election districts, or if the town contains

more than two election districts, may annex the territory of such district to one or more of the other districts therein, in such manner as will best promote the convenience of the electors; but no district shall be abolished pursuant to this section if thereby in case of the abolition of election districts, the number of electors in the town will exceed six hundred, as indicated by the last preceding vote for governor, or if thereby in the case of the abolition of an election district and its annexation to one or more other districts, the number of electors in any new district so created will exceed six hundred, as indicated by such vote. An alteration of election districts, pursuant to this section, must be made on or before July first in any year. If the election districts in a town are abolished pursuant to this section, the town board shall, on or before September first, appoint from the inspectors of election in such town four inspectors of election for the town as an election district, two of whom shall belong to the political party which at the last preceding general election for state officers shall have cast the greatest number of votes in such town, and the other two of whom shall belong to the political party who shall have cast the next highest number of votes at such election. (*Thus amended by chap. 159, Laws of 1906.*)

§ 8-b. Changing election districts in certain towns.—If a town has been divided into three or more election districts, and if at any general election at which a governor is elected, the number of votes cast for governor in any district in such town does not exceed three hundred, the town board of such town may on or before the first day of August succeeding, if it deems that the convenience of electors will be promoted thereby, divide such town into such number of election districts as it deems desirable, or change the boundaries of the existing districts, in such manner that no district shall contain more than six hundred electors, as indicated by the last preceding vote for governor. If, in pursuance of this section, the boundaries of an election district in such town should be changed, or a new election district is created, by the consolidation of two or more districts or parts of districts, such creation, division or alteration shall take effect immediately, and the town board shall on or before September first appoint for each such district so created, or changed, four inspectors of election, two of whom shall belong to the political party which at the last preceding general election

for state officers shall have cast the greatest number of votes at such election, and the other two of whom shall belong to the political party which shall have cast the next highest number of votes at such election. Such inspectors of election shall hold office until their successors are regularly elected in such election districts, in pursuance of law. (*Added by chap. 470, Laws of 1907.*)

§ 9. Maps and certificates of boundaries of election districts.— When a ward of a city or an assembly district within a city shall be divided into two or more election districts, the officers or board creating, dividing or altering such election districts, shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted not less than ten days prior to the first day of registration in each year, in at least ten of the most public places in each election district so created, divided or altered, and shall, prior to every election, furnish copies of such map or description to the inspectors of election in each election district of such ward or assembly district. The scale of such maps shall, so far as possible, be uniform and large enough to permit the printing of the street corner numbers of the block or blocks defining the extreme boundaries of each election district within or outside the lines of such block or blocks respectively; and such street corner numbers shall be printed in or outside such block lines upon said maps, so that the lowest and highest street numbers of every street bounding such election district shall be plainly shown thereon. The copies furnished to the inspectors of election shall have printed on each or affixed to each in some secure way the list of places designated pursuant to section ten as places at which the meetings for the registration of electors and the election shall be held during the year within such ward or assembly district. The officers creating, dividing or altering an election district in a town shall forthwith make a certificate or map thereof, exhibiting the districts so created, divided or altered, and their numbers respectively, and file the same in the county clerk's office except in the county of Erie, and in the county of Erie in the office of the commissioner of elections, and a copy thereof in the town clerk's office, and

cause copies of the same to be posted in at least five of the most public places in each election district of such town, and the county clerk or commissioner of elections as the case may be, shall, prior to every general election, furnish copies of such maps or certificates, to the inspectors of election in each election district of such town, provided such election district is not coterminous with the town lines. (*Thus amended by chap. 89, Laws of 1902; chap. 643, Laws of 1905, and chap. 642, Laws of 1906.*)

§ 10. Designation of places for registry and voting, publication of same; and provision of furniture therefor.— On the first Tuesday of September in each year, the town board of each town, and the common council of each city, except New York and Buffalo, and the board of elections of the city of New York, shall designate the place in each election district in the city or town at which the meeting for the registration of electors and the election shall be held during the year. In the city of Buffalo the commissioner of elections shall designate such places for registry and election on the first Monday in August in each year. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least ten electors at the time outside of the guard rail. No building, or part of a building, shall be so designated in any city if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in any part thereof. No room shall be designated elsewhere in a city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in such rooms, or in a room adjoining thereto, with a door or passageway between the two rooms. No intoxicating liquors, ale or beer shall be sold in such building in a city or such room or adjoining room elsewhere after such designation and before the general election next thereafter, or be allowed in any room in which an election is held during the day of election or canvass of the votes. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the officers charged with the designation of a place for such election shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the

same room, and not more than two polling places shall be in the same building. The officers authorized to designate such places in any town or city shall provide for each polling place at such election, the necessary ballot and other boxes, guard rails, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot and other boxes for each polling place, with the keys thereof, to the inspectors of each election district at least one-half hour before the opening of the polls at each election. The officers authorized to designate the registration and polling places in any city, except the city of New York, shall cause to be published in two newspapers within such city a list of such places so designated, and the boundaries of each election district in which such registration and polling place is located. Such publication shall be made in the newspapers so selected upon each day of registration and the day of election, and on the day prior to each such days. One of such newspapers so selected shall be one which advocates the principles of the political party polling the highest number of votes in the state at the last preceding election for governor, and the other newspaper so designated shall be one which advocates the principles of the political party polling the next highest number of votes for governor at said election. The board of election of the city of New York shall cause to be published in two newspapers in each borough within such city a list of the registration and polling places so designated in each borough and the boundaries of each election district therein in which such registration and polling place is located; except that in the borough of Brooklyn, such publication shall be made in the newspapers designated to publish corporation notices therein; and except also that in the borough of Manhattan such publication shall be made in four daily newspapers published in the borough of Manhattan which advocate the principles of the political party polling the highest number of votes in the state at the last preceding election for governor, and also in four daily newspapers published in the borough of Manhattan which advocate the principles of the political party polling the next highest number of votes for governor at said election, one of which newspapers may be a daily newspaper published in the German language; which publications shall include the list of such registration and polling places and their

boundaries, in the county of New York. Such publication shall be made in such newspapers upon each day of registration and the day of election and on the day prior to each of such days. Such publications shall be made in newspapers published in such boroughs which shall respectively advocate the principles of the political party which at the last preceding election for governor respectively cast the largest and next largest number of votes in the state for such office. The said board shall also cause to be published in the City Record on or before the first day of registration in each year a complete list of all the registration and polling places so designated and the boundaries of the election districts in which such places are located arranged in numerical order under the designation of the respective boroughs in which they are located. In selecting the newspapers in which such publications are to be made the said board shall keep in view the object of giving the widest publicity thereto. (*Thus amended by chap. 95, Laws of 1901; chap. 197, Laws of 1903; chap. 29, Laws of 1904; chap. 643, Laws of 1905, and chap. 259, Laws of 1906.*)

§ 11.* Election officers; designation, number and qualifications.— Subdivision 1. There shall be in every election district of this state the following election officers, namely, four inspectors, two poll clerks and two ballot clerks, whose term of office, *except as hereinafter prescribed*, shall be for one year from the date of their appointment or election, and who shall serve at every general election, special or other election held within their districts during such term. *The term of office of inspectors of elections in towns shall be for two years.* No person shall be appointed or elected an inspector of election, poll clerk or ballot clerk who is not a qualified elector of the county if within the city of New York or of any other city or of the election district of the town in which he is to serve, of good character, able to speak and read the English language understandingly, and to write it legibly, and who does not possess a general knowledge of the duties of the office to which he is elected or appointed, or who is a candidate for any office to be voted for by the electors of the district in which he is to serve, or who has been convicted of a felony and not restored to citizenship, or who holds any public office ex-

* Amended by chaps. 95 and 536 of the Laws of 1901. Words in italics show the amendment of this section by chap. 536, L. 1901, which said amendment omitted subdivision two of said section as herein printed.

cept notary public or commissioner of deeds, town or village assessor, justice of the peace, village trustee, water commissioner, officer of a school district, overseer of highway, whether elected or appointed, or who is employed in any public office or by any public officer whose services are paid for out of the public money other than is excepted herein. Each class of such officers shall be equally divided between the two political parties which at the general election next preceding that for which such officers are to serve, cast the highest and the next highest number of votes. Where election officers are appointed the qualifications required of them by this section shall be determined by an examination by or under the direction of the appointing board or officer. (*Thus amended by chap. 536, Laws of 1901.*)

Election officers in cities of first class exempt from jury duty, see § 12.

Subdivision 2. Boards of elections established.—a.
There shall be, and there is hereby established, a board of elections in every city of the first class in this state which does, or shall, contain within its boundaries one or more counties. The said board shall consist of four persons to be known and designated as commissioners of elections. Each of the said boards of elections shall be and are hereby charged with the duty of executing the provisions of the laws relating to all elections held within their respective cities, except as otherwise provided by law.

b. All such commissioners of elections shall be appointed by the mayor of the city, and shall hold office for a term of two years, except as hereinafter provided. Each of the said commissioners of elections shall be at the time of his appointment a resident of and a qualified elector of such city. No commissioner of elections shall hold any other office, except commissioner of deeds or notary public, during his term of office, nor shall he be a candidate for any elective office during such term, and any votes cast for any person for office, who shall have been a commissioner of elections within one hundred days of the election at which such votes were cast, shall be void and shall not be counted. A commissioner of elections may be removed from office by the governor for cause in the same manner as a sheriff. Any vacancy in the office of commissioner of elections shall be filled by the mayor of the city within five days after the vacancy has been created, and the person appointed to fill such vacancy

shall hold office during the balance of the term of the commissioner in whose place he was appointed. At their first meeting the commissioners of elections shall organize as a board by electing one of their number as president and one as secretary, and in case no election can be had the members shall draw lots for such places. The board shall have power to adopt such rules and regulations for the control and conduct of the affairs of such board and of its employes as are not inconsistent with or in violation of law. The board shall keep a record of their proceedings and shall make an annual report in the month of December of the affairs and proceedings of said board to the mayor of the city.

c. Within ten days after this act shall take effect the mayor of the city of New York shall appoint four persons as commissioners of elections, each of whom, at the time of his appointment, shall be a resident and qualified elector of the city of New York, and not more than two of whom shall belong to the same political party, or be of the same political opinion on state or national politics. The term of office of the commissioners so appointed shall be from the date of their appointment to twelve o'clock noon of January first, nineteen hundred and three, or until their successors have qualified. Upon the expiration of the term of office of the commissioners first appointed, and every two years thereafter, the mayor of the city of New York shall appoint four persons as commissioners of elections for the full term of two years, each of whom shall be as above provided a resident and qualified elector of the city of New York and not more than two of whom shall belong to the same political party or be of the same political opinion on state or national politics. The salary of each commissioner of elections shall be five thousand dollars a year, payable in equal monthly installments.

d. Within five days after this act takes effect, the respective chairmen of the county committees, within the counties of New York and Kings, of each of the two political parties which at the general election held in the year nineteen hundred and three cast the highest and the next highest number of votes for governor, shall each respectively file or cause to be filed with the mayor of the city of New York a certificate, duly executed over the signature of the chairman who makes the same, which certificate shall certify to the mayor of such city the name of a person who is a resident

and qualified elector of the city of New York and who shall be recommended by the chairman making such certificate as being in his opinion, and in the opinion of the committee of which he is the chairman, a fit and proper person to be appointed a commissioner of elections. Each of such four certificates shall be substantially in the following form, to-wit:

“ To Honorable

Mayor of the City of New York.

I,, chairman of the county committee of the party, for the county of do hereby, in accordance with the provisions of paragraph d of subdivision two of section eleven of the election law, certify that in my opinion and in the opinion of the said committee,, a resident and qualified elector of the borough of, city of New York, is a fit and proper person to be appointed a commissioner of elections, and I do hereby recommend him for appointment to said office. In witness whereof, I have made and executed this certificate, this day of, 19..”

Each of such certificates shall be duly acknowledged by the person executing the same, before a notary public or other officer authorized to take acknowledgments to deeds for record in this state. At least five days before the first day of January, nineteen hundred and three, and at least five days before the first day of January of each second year thereafter, the respective chairmen of the county committees, within the counties of New York and Kings, of each of the two political parties which at the general election last preceding the date of such certificate cast the highest and the next highest number of votes for governor, shall each respectively make and file or cause to be filed with the mayor of the city of New York, a certificate in substantially the form and executed and acknowledged as above provided, each of which four certificates shall respectively certify the name of a person who is a resident and qualified elector of the city of New York and who is recommended as a fit and proper person to be appointed a commissioner of elections for the term of two years beginning with the first day of January next ensuing. If at any time a vacancy arises in the office of commissioner of elections, through death, resignation, removal or inability to serve, the chairman of the county committee of the political party to which the commissioner creating such vacancy belonged, for

the county of New York, if the commissioner creating such vacancy was a resident of the borough of Manhattan or of the borough of the Bronx of said city, or for the county of Kings if the commissioner creating such vacancy was a resident of any other borough of said city, shall make and file or cause to be filed with the mayor of the city of New York, a certificate in substantially the form and executed and acknowledged as above provided, certifying and recommending the name of a person, who is a resident and qualified elector of said city, as a fit and proper person to be appointed a commissioner of elections for the unexpired term of the commissioner creating such vacancy. At least two days time, after a vacancy has been created, for the making and filing of the certificate above provided for, shall be afforded by the mayor, before making any appointment to fill such vacancy, to the person upon whom the duty is imposed hereunder to make said certificate and file the same or cause the same to be filed.

e. Each and every certificate filed with the mayor of the city of New York in pursuance of the provisions of this act, shall be kept by the mayor in some safe and secure place in his office, and shall be a public record open at all reasonable hours to the inspection of any person who may desire to see the same, it being the intention of this act, and said intention is hereby declared, to secure in the appointment of the members of the board of elections established by this act, equal representation of the two political parties which at the general election next preceding such appointment cast the highest and the next highest number of votes for governor, and the committees and chairmen of committees of which political parties have been duly elected as such under and in pursuance of the provisions of the primary election law.

f. The bureau in the police department of the city of New York, heretofore known and designated as the general bureau of elections, and the branches of said general bureau in the boroughs of the Bronx, Brooklyn, Richmond and Queens, together with the office of superintendent of elections of the city of New York, and the offices of the chiefs of the branch bureaus of elections in said respective boroughs, are hereby abolished, and all of the rights, powers, authority, duties and obligations immediately heretofore by law vested in and imposed upon the said bureau and branch bureaus, together with every right, power, authority, duty and

obligation immediately heretofore by law vested in and imposed upon the police board of the city of New York, its successor or successors, with respect to general, special or primary elections, shall forthwith by force of and as an effect of this chapter be transferred to, imposed upon and continued in the board of elections of the city of New York hereby created.

g. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of the superintendent of elections and the chiefs of the branch bureaus of elections or under the control of the police board of the city of New York, its successors, or successor, shall be transferred to the care, custody and control of the board of elections upon demand by said board.

h. So far as practicable and necessary the chief clerks, clerks, assistant clerks and stenographers attached to and in the service of the general bureau of elections of the city of New York and of the branches of said general bureau in the respective boroughs at the time this act shall take effect shall be continued in the service and employment of the board of elections with the same salaries and, so far as practicable, the same duties until the first day of April, nineteen hundred and one, unless otherwise provided by the board of elections, which board shall have power to fix the number, salaries, duties and rank of such chief clerks, clerks, assistant clerks and stenographers and to appoint and remove and to fix the salaries of all employes of said board.

i. The board of elections shall have power to provide and maintain an office for such board in the borough of Manhattan which shall be the headquarters of said board, and to furnish the same with necessary furniture and office fixtures, and shall also provide, maintain and furnish an office in each other borough of the city of New York and shall place the same in the charge of a competent person. The general office of the board of elections shall, until otherwise located with the consent of the board of elections, be located at police headquarters, in the borough of Manhattan which shall be the headquarters of the said board as hereinbefore provided, and the several branch offices of the board of elections shall continue to be located in the rooms now occupied by them in the various boroughs of the city of New York, or be removed to other suitable locations in the respective boroughs. Said board of elections shall have full and complete control of the said branch

offices of the board of elections and of all the offices, employes, affairs and administration of said branch offices. Every report, statement, certificate, document or paper which was immediately heretofore by the election law required or provided to be made, transmitted, rendered or delivered to or filed with the board of police or superintendent of elections in the city of New York, is hereby required to be made, transmitted, rendered or delivered to or filed with the said board of elections. Every provision of law relating to the doing of such acts or to the making and transmitting, rendering, delivering or filing such reports, statements, certificates, notices, documents or papers or to the effect thereof, or providing that other things shall be done in conjunction therewith or consequent thereon, shall, with the same force and effect apply to and operate upon the doing of such acts by the board of elections, and the making, transmitting, rendering, delivering or filing of such reports, statements, certificates, notices, documents or papers with said board. It shall be the duty of the commissioner of police and the officers and members of the police force, whenever called upon by the board of elections to render to said board all practicable assistance in the enforcement of the election and the primary election law, including the use of the police telephone service. The commissioner of police shall detail to the service of the board of elections upon its written request such patrolmen and other members of the police force as may be necessary from time to time for the faithful performance by said board of its functions and duties. All copies of police reports to commanding officers of precincts under subdivision three, of section thirty-two, of the election law, shall be forthwith transmitted by the precinct commander to the board of elections. All statements of canvass delivered to any officer in command of a precinct under subdivision three, of section one hundred and ten, of the election law shall be forthwith transmitted by such precinct commander to the board of elections to be by them preserved with the same force and effect as if preserved by the police.

j. All sums necessary to pay the expenses of the board of elections of the city of New York, including the salaries of the commissioners of elections, chief clerks, clerks, assistant clerks and other employes and to meet and defray the charges and

expenses of all elections lawfully held in the city of New York or in any territory included therein, shall be a charge against the said city, and shall upon proper certificates and vouchers be paid in the same manner as other expenses and charges against the said city are by law provided to be paid. Said charges and expenses, as estimated, shall be included in the annual budget of said city each year and in the yearly taxes levied upon the estates, real and personal, in the city of New York. The comptroller of the city of New York, is hereby authorized and directed to transfer to the credit of the board of elections all moneys remaining out of the appropriations for the year nineteen hundred and one, to the credit of the general bureau of elections and its branches, for defraying the expenses of said board of elections and its branches and other election expenses, and such moneys shall be paid out upon the authority of the board of elections. Any additional sum needed for the conduct of the business of the board of elections during the year nineteen hundred and one shall be provided by the board of estimate and apportionment of the city of New York, by the sale of bonds or otherwise.

k. The board of elections of the city of New York is hereby authorized and directed, not less than two years after each election, to sell or destroy all registers of electors in the possession of such board; provided, that one copy of such register of electors for each election district shall be excepted and preserved by such board from such sale or destruction. The board of elections is also authorized to sell to the highest bidder the unused ballots furnished for the last preceding election, but such unused ballots shall not be sold until at least six months after the election for which they were provided. All moneys realized by sales under this section shall be paid over to the proper fiscal officer of the city of New York to the credit of the account of the board of elections.

l. Sections three hundred and fifty-eight to three hundred and seventy-one inclusive of chapter eight of the Greater New York charter, being chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor, including the city and county of New York, the

city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," and all other laws or part of laws inconsistent with or in conflict with this subdivision, whether general, special or local, are hereby repealed. (*Thus amended by chap. 95, Laws of 1901.*)

§ 12. Appointment of election officers in cities.—

The board of elections of the city of New York and the mayor of each other city shall, on or before the first day of September of each year, select and appoint election officers for each election district therein, and may fill any vacancy which may occur before the opening of the polls on election day. Each political party entitled to representation in any board of election officers may, not later than the first day of July in each year, file with such board or mayor an original list of persons, members of such party duly qualified to serve as election officers. A supplemental list of persons may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments of such districts are made and certified by such board or mayor or when a vacancy shall exist in the original list by reason of the disqualification, resignation, declination or withdrawal of the name by the person or persons submitting the same of any person on such list, and all appointments shall be made from the original list if those named therein are found qualified; if not so qualified, then from a supplemental list so filed. If within ten days after notice in writing by the board or mayor to the chairman of the committee or other person by whom the list is filed or authenticated, such chairman or other person shall neglect to file an additional list, the board or mayor may appoint qualified persons, members of the party in default, to act as election officers. In the city of New York such lists shall be authenticated and filed by the chairman of the executive committee of the county committee of the party in the respective counties within such city; in other cities, by the chairman or secretary of the general city committee of such party, if there be such a committee, or if not, then by the chairman or secretary of the general county committee of such party, if there be such a committee, or if not, then by the corresponding officer of any committee performing the usual functions of a city or county committee; provided, however, that if in any city more

than one such list be submitted in the name or on behalf of the same political party, only that list can be accepted which is authenticated by the proper officer or officers of the faction or section of such party, which was organized* as regular by the last preceding state convention of such party; or, where no such convention has been held within the year, by the proper officer of the faction or section of said party, which, at the time of the filing of said list is recognized as regular by the state committee of such party, which was organized by or pursuant to the direction of the last preceding state convention of such party. All persons so proposed for appointment shall be examined as to their possessing the qualifications required by section eleven of the election law by or under the direction of the mayor or board, who shall give five days' notice in writing of such examination to the person to be examined, and also the chairman of the committee or other person by whom the list is filed and authenticated, and such chairman or other person may appear and be heard at such examination, either in person or by counsel. If a person so nominated after examination is found qualified, under section eleven of the election law, he shall be appointed to the position for which he was recommended. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the mayor or board within three days after such disqualification is determined by such mayor or board, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and the vacancy shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no list, the appointment may be made without such list, as provided in this section, after examination. In the city of New York the members of the board charged with the duty of appointing election officers, who represent the same political party, shall have the exclusive right and be charged with the exclusive duty of selecting from the list submitted, or, in lieu of said list, the members of such party who are to be appointed as election officers. Every person so appointed as an election officer shall, within five days after notice of his appointment, take and subscribe the constitutional and statutory oath of office, which shall be administered, if in the city of New York, by a commissioner of elections, or by any clerk or

* So in the original.

other employe of said board of elections who shall be designated by said board in writing over the signature of its president to administer said oath of office; and if in any other city, by the mayor thereof or by any other person or persons designated by him for that purpose; and all of said officers, and every clerk or person so designated by them or him for that purpose, shall be and is hereby authorized as empowered to administer such oath. Every person so sworn as an election officer shall receive a certificate of appointment and qualification, signed by the person who administered the oath, in such form as may be approved by the board or officer by which or whom he was appointed and specifying the capacity and election district in which he is to serve and to date the expiration of his term of office. Any election officer so appointed may be removed for cause by the board or mayor making the appointment, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration or election, and for improper conduct as election officer, shall only be made after notice in writing to the officers to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. In cities of the first class, it shall be the duty of the board or mayor making the appointment of an election officer, to remove forthwith such officer, without preferring any charges and without notice to such officer, upon the written request of the official of the political party who certified the name of such election officer or his successor. All such vacancies so created shall be filled in the same manner as the original appointment was made. Any election officer who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor. No election officer shall be transferred from one election district to another after he has entered upon the performance of his duties and no election officer shall serve in any county save that in which he shall reside. The chairman of each board of inspectors of each election district shall, within twenty-four hours of any election, furnish to the mayor or board appointing such officers, if required so to do by such mayor or board, under his hand, a certificate stating the number of days of actual service of each member of such board, the names of the persons who served as poll clerks and ballot clerks on election day and the number of days during which the store, building or room hired for registration and election purposes was actually used for such purposes.

Any person acting as such chairman, who shall wilfully make a false certificate shall be guilty of a misdemeanor. Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore *subscribed or shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to the other penalties prescribed by law, be liable to a fine of one hundred dollars, to be sued for and recovered by the mayor or board making the appointment, in a court of record, for the use and benefits of the treasury of such city. Any election officer who, being removed for cause, shall fail upon demand to deliver over to his successor the register of the electors, or any tally sheets, book, paper, memorandum or document relating to the registration of electors or the election in his possession, so far as he has made it, shall be liable to a like penalty to be recovered in a like manner for the benefit of such city. All persons appointed and serving as election officers on any of the days of registration or of election or of count of the votes in cities of the first class shall be exempt from jury duty for one year from the date of the general election at which they serve. Such officers shall be paid by the comptroller of the respective cities within twenty days after the election at which such officer served upon the certificate of the board or officer appointing them. (*Thus amended by chap. 397, Laws of 1897; chap. 675, Laws of 1898; chap. 630, Laws of 1899; chap. 95, Laws of 1901, and chap. 70, Laws of 1904.*)

Ballot clerks not to be appointed, where, see § 181.

For qualification for appointment of election officers, see § 11.

§ 13. Election officers in towns.—Inspectors of election in towns shall be appointed by the town board in each year in which a town meeting is held for the election of town officers, and within thirty days thereafter. Such appointments shall be made from lists to be prepared, certified and filed in the manner hereinafter provided, by the two political parties entitled to representation on a board of election officers. The town caucus or primary held by each such political party for the purpose of nominating town officers shall prepare a list containing the names of at least two persons, qualified to serve as inspectors of election, for each election district in said town, which lists shall be certified by the presiding officer and a secretary of said caucus or

primary, and filed with the town clerk in the same manner and at the same time as the party certificate of nomination filed by said party. From each of the two lists so filed, the town board shall appoint two persons who possess the qualifications prescribed by law for election officers. If in any town more than one such list be submitted on behalf or in the name of the same political party, only that list can be accepted which is certified by the proper officer or officers of the faction of such party which was recognized as regular by the last preceding state convention of such party; or if no such convention was held during the year, by the proper officer or officers of the faction of such party, which, at the time of the filing of such list is recognized as regular by the state committee of such party. Such appointment shall be made in writing and filed with the town clerk who shall forthwith notify each person so appointed of his appointment to said office, in the same manner that he is now by law required to give notice to a person of his election to a town office when his name does not appear upon the poll list at the town meeting at which he was elected to said office. From the additional names, if any, contained on the lists so filed, of persons qualified to serve as such, the town board shall appoint inspectors of election in case of the resignation, declination or other incapacity of persons appointed to such office. If such lists contain no additional names of such persons, the town board shall fill vacancies caused by such resignation, declination or other incapacity by appointing persons known, or proved to the satisfaction of a majority of the members of said board to be members of the same political party in which such vacancy occurred. All appointments to fill vacancies shall be made in writing and filed with the town clerk, and notices thereof given by him as hereinbefore provided in the case of an original appointment. At the first meeting in each year of the board of inspectors in every district in a town, one poll clerk and one ballot clerk shall be appointed by the two inspectors of election representing one of the political parties entitled to representation on such board, and one poll clerk and one ballot clerk shall be appointed by the two inspectors representing the other political party. Such appointments shall be in writing, signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated, and a copy thereof with the post-office

address of each person so appointed shall be mailed to the clerk of the county. The poll clerks and ballot clerks so appointed shall hold their office during the term of office of the inspectors appointing them, except as hereafter provided. The persons so appointed as poll clerks and ballot clerks shall be voters in the district in which they are appointed to serve, and shall possess the qualifications required of such officers by section eleven of this act. If at any time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or a ballot clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as such poll clerk or ballot clerk, take the constitutional and statutory oaths of office. (*Thus amended by chap. 536, Laws of 1901.*)

No ballot clerks to be appointed where voting machines are to be adopted.

For qualification for appointment or election of election officers, see § 11.

For similar provisions for filling of vacancies in office of poll clerk or ballot clerk, see § 14.

§ 14. Supplying vacancies and absences; organization of boards of inspectors.—If at the time of any meeting of the inspectors there shall be a vacancy or if any inspectors shall be absent from such meeting the inspector present who shall be a member of the same political party as the absent inspector shall appoint a qualified elector of the district, who shall also be a member of the same political party as the absent inspector, to act in the place of such absent inspector for the whole of that day. And the person so appointed shall be paid the amount which the absent inspector, if he had been present, would have been entitled to have been paid for his services upon that day, and the absent inspector shall not be paid for any services for that day. If two inspectors, who are members of the same political party, shall be absent from any such meeting on election day, the poll clerk, if he be present, and if he be absent then the ballot clerk, who is a member of the same political party as the absent inspectors, shall appoint two qualified electors of the district, who shall be members of the same political party as the absent inspectors, to act in the place of such absent inspectors for the whole of that day; and the persons so appointed shall be paid the amounts which the absent inspectors, if they had been present, would have been entitled to

be paid for their services upon that day, and the absent inspectors shall not be paid for any services for that day. If two inspectors, who are members of the same political party, shall be absent on any of the days of registration, the inspector or inspectors present shall appoint qualified electors of the district, who shall be members of the same political party as the absent inspector or inspectors, to act until such absent inspector or inspectors, or his successors duly appointed under the provisions of section twelve, shall appear and such person, so serving temporarily, shall serve without pay. If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified electors of the district belonging to the political parties as specified in section eleven, to fill such vacancies, or to act in the place of such inspectors respectively, until the absent inspectors respectively appear. If at any time there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present, who shall be a member or members of the same political party as the absent poll clerk, or ballot clerk shall appoint a qualified elector of the district, who shall also be a member of the same political party as the absent poll clerk or ballot clerk to fill such vacancy. Every person so appointed or designated to act as an inspector, poll clerk or ballot clerk shall take the constitutional and statutory oaths as prescribed by the election law. Before otherwise entering upon their duties the inspectors of each district shall then immediately appoint one of their number chairman; or, if a majority shall not agree upon such appointment, they shall draw lots for that position. (*Thus amended by chap. 487, Laws of 1904.*)

§ 15. Preservation of order by inspectors.— All meetings of the board of inspectors shall be public. Such board and each individual member thereof shall have full authority to preserve peace and good order at such meetings, and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful

commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they shall make an order directing the sheriff or any constable of the county, or any peace or police officer to take the person so offending into custody, and retain him until the registration of electors, or the canvass of the votes shall be completed, but such order shall not prohibit the person taken into custody from voting. Such order shall be executed by any sheriff, constable, peace or police officer, to whom the same shall be delivered. But if none shall be present, then by any other person deputed by such board in writing. The said board or any member thereof, may order the arrest of any person other than an election officer violating or attempting to violate, any of the provisions of this election law.

§ 16. Ballot boxes.— There shall be but one ballot box at each polling place for receiving all ballots cast for candidates for office, which box shall be conspicuously marked “box for general ballots.” There also shall be a ballot box for the reception of ballots found to be defective in printing, or mutilated before delivery to electors, and for ballots spoiled and returned by electors, which box shall be conspicuously marked “box for spoiled and mutilated ballots.” There shall also be a box for detached ballot stubs, which box shall be conspicuously marked, “box for detached ballot stubs.” If proposed constitutional amendments, or other propositions or questions may be lawfully voted upon thereat, there shall be a separate ballot box at each polling place for the reception of ballots upon such amendments or propositions, or questions, which box shall be conspicuously marked, “box for questions submitted.” In towns in which town meetings are held on election day, an additional ballot box shall be provided, to be marked “box for town propositions,” in which shall be deposited ballots cast on town propositions and questions. In towns in which town meetings are held on election day in an even numbered year, an additional ballot box shall be provided, to be marked “box for town ballots,” in which shall be deposited ballots cast for candidates for town offices. Each box used for the reception of voted ballots shall be provided with a sufficient lock and key, and with an opening in the top thereof large enough, and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each box shall be large enough to properly receive and

hold all ballots which may lawfully be deposited therein at any election. (*Thus amended by chap. 381, Laws of 1900; chap. 405, Laws of 1902, and chap. 733, Laws of 1904.*)

Officers to provide and deliver boxes at least half an hour before opening of polls, see § 10.

§ 17. Voting booths and guard rails.— There shall be in each polling place during each election a sufficient number of voting booths, not less than one for every seventy-five registered electors in the district. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outward, and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be at least one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences including pencils having black lead only, as will enable the electors to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open by artificial lights if necessary. A guard rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail. Each guard rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, election officers and every part of the polling place except the inside of the booths, shall be in plain view of the election officers and the persons just outside the guard rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window, or opening, except by the door in front of said booth.

Officers to provide voting booths and guard rails, see § 10.

§ 18. Payment of election expenses.— The expense of providing polling places, voting booths, supplies therefor, guard rails and other furniture of the polling place, and distance markers, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated except that such expenses incurred for the purpose of conducting a village election, not held at the same time as a general election, shall be a charge upon the village. The

expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used at a town meeting, city or village elections not held at the same time as a general election, and of printing the list of nominations therefor shall be a charge upon the town, city or village in which the election is held. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used in any county, except such counties or portions thereof as are included within the city of New York, at any other election, if no town meeting, city or village election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers, to be used in any such county at any other election, and of printing the lists of nominations therefor, if the town meeting, city or village election be held in such county at the same time therewith, shall be apportioned by the county clerk between such town, city or village and such county, in the proportion of the number of candidates for town, city or village officers on such ballots, respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon. Whenever voting machines are used in an election by any city, town or village, only such expenses as are caused by the use of such machines, and such as are necessary for the proper conduct of the elections as required by the election law shall be charged to such city, town or village. All expenses relating to or connected with elections lawfully incurred by the board of elections of the city of New York shall be a charge on such city, and after being audited by the proper officer, shall be paid by the comptroller of said city upon the certificate of such board. The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the board of supervisors of the county, or the board acting as such board of supervisors. The town

clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the other members of the town board of the town. Ballot clerks shall receive the same compensation for their attendance at an election, as inspectors of election for the election, and be paid in like manner. Poll clerks shall receive the same compensation for their attendance at an election and canvass of the votes as inspectors of election, and shall be paid in like manner. An inspector of election, lawfully required to file papers in the county clerk's office, shall, unless he resides in the county, if within the city of New York, or in any other city or town in which such office is situated, be entitled to receive as compensation therefor five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such county clerk's office in going to and returning from such office. In cities of the first class, having a population of two million or more inhabitants, the persons appointed and serving as inspectors of election shall receive seven dollars and fifty cents for the hours fixed by law for each day of registration, and of revision of registration for a special election, and seven dollars for the hours fixed by law for the election, and five dollars for the count and return of the votes. The poll clerks in such city shall each receive the same compensation as inspectors for the election and for the count of the votes, and the ballot clerks shall receive eight dollars each. Such officers shall be paid by the comptrollers of the respective cities upon the certificate of the board or officer appointing them. Election officers required to meet at a different time from the regular count of the votes cast at a general election for the purpose of counting and returning the votes of electors absent from their election districts in time of war in the actual military or naval service of this state or of the United States, shall be paid five dollars each. (*Thus amended by chap. 95, Laws of 1901.*)

Persons serving temporarily as inspectors to receive no pay, see § 14.

§ 19. Delivery of election laws to clerks, boards and election officers.— The secretary of state shall at least sixty days before each general election held after this act takes effect cause to be prepared a compilation of the election law with explanatory notes and instructions, properly indexed, and the

secretary of state shall procure the same to be printed by the legislative printer, and transmit to the county clerk of each county except New York, Kings, Richmond, Queens and Erie counties, and to the board of elections of the city of New York, located in the borough of Manhattan and to the branch office of the board of elections in each of the other boroughs of the city of New York and to the commissioner of elections of the county of Erie a sufficient number of copies thereof, to furnish one such copy to the county clerk and to said board and to each of said branch offices of the board of elections, and to said commissioner and one to each town, village and city clerk and to each election officer in such county and said boroughs together with such number of extra copies as may in his judgment be necessary to replace lost or mutilated copies before delivery thereof to election officers. The county clerk of each county, except those counties the whole of which are included within the city of New York, and the commissioner of elections of the county of Erie, shall forthwith transmit one of such copies to each such officers in such county, and the said board of elections shall cause to be delivered one of such copies to each of such officers in the city of New York. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office and upon the expiration of his term or removal from office deliver it to his successor. The secretary of state shall also transmit to the state superintendent of elections for the metropolitan elections district a sufficient number of such copies to furnish one of such copies to the superintendent and to each deputy. (Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.)

ARTICLE II.

Registration of Electors.

SECTION 30. Meetings for registration.

31. Adding and erasing names on register.
32. Forms for registration.
33. Method of registration.
34. General provisions.
35. Certification and custody of register.
36. Delivery of blank books for registration, certificates and instructions.

Section 30. **Meetings for registration.**— Before every general election, the board of inspectors for each election district

in every city, and in villages having five thousand inhabitants or more, shall hold four meetings for the enrollment of the voters thereof, at the place designated therefor, to be known respectively as the first, second, third and fourth meetings for registration. The said meetings shall be held in every city, and in villages having five thousand inhabitants or more except in the city of New York, on the fourth Friday, fourth Saturday and the third Friday and third Saturday before such election. In the city of New York the said meetings shall be held on the twenty-ninth, twenty-eighth, twenty-fourth and twenty-second days before such election. Each meeting, if in cities of the first class, shall begin at seven o'clock, if elsewhere, at eight o'clock in the forenoon, and continue, if in cities of the first class, until ten o'clock, if elsewhere, until nine o'clock in the evening. In all election districts other than in cities or villages having five thousand inhabitants or more, the board of inspectors of election for each such election district shall hold two meetings for the registration of electors thereof, at the places designated therefor, before each general election, namely, on the fourth and third Saturday before the election, to be known respectively as the first and second meetings for registration, which meetings shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening. The board of inspectors of election shall also, if ordered so to do by the supreme court, or a justice thereof, or a county judge, as provided in section thirty-one of the election law, meet on the second Saturday before each general election for the purpose of correcting the registers by adding to or striking off the name of any person as directed by such order. It shall be the duty of each inspector of election to make a note on the registers opposite the name of each person so enrolled, or so stricken off, of the date of such order, and the court, justice or judge issuing the same. If any special or other election other than a general election shall be ordered or held in any city or village, the inspectors of election of the various election districts in which such special or other election is to be held, shall meet in their respective districts at the place designated therefor, on the second Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening for the purpose of revising and correcting the register of electors as hereinafter provided. No inspector shall on any day for

registration be absent during the hours fixed for enrolling the names of electors. Each political party or independent body duly filing or entitled to file certificates of nominations of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty and delivered to one of the inspectors of election, appoint not more than two watchers to attend any meeting or meetings of inspectors for an election district in cities and villages having five thousand inhabitants or more held for the enrollment of the voters thereof. Such watchers may be present at such polling place, and within the guard rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration. (*Thus amended by chap. 300, Laws of 1901, and chap. 675, Laws of 1905.*)

§ 31. Adding and erasing names on register.—If the board of inspectors at any meeting for the registration of electors shall have neglected or refused to place upon the register of electors the name of any person who is entitled to have his name placed thereon, application may be made to the supreme court, or any justice thereof in the judicial district in which such election district is located, or of a county adjoining such judicial district, or to a county judge of the county in which such election district is located, on a day at least two days prior to the second Saturday before any election, for an order to place such name upon the register of electors; and such court, justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the board of inspectors, and such other persons interested of such application as the court, justice or judge may require, order such inspectors to convene as a board of registration on the second Saturday before such election, and to add the name of such person to such register of electors, and such register shall be corrected accordingly; but no court, justice or judge shall order the name of any person to be added to the register of electors unless it shall have been omitted therefrom through the fault, error or negligence of the election officers. In case the name of any person who will not be qualified to

vote in such election district, at the election for which such registration is made, shall appear upon such register, application may be made in like manner by any elector of the town or city in which such election district is located to any court, justice or judge hereinbefore designated, for an order striking such name from the register, and such court, justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested of such application as the court, justice or judge may require, served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address which appears in the register certified by the inspectors of election, proceed to convene the board of inspectors as provided herein for adding a name, and may order such board to strike such name from such register of electors, and such register shall be corrected accordingly. In all applications in the metropolitan elections district to strike the names of electors from the register under this section an affidavit by the state superintendent of elections for the metropolitan elections district, or any of his deputies when duly directed by the state superintendent of elections for that purpose, that investigation was made by them pursuant to the provisions of section six of the metropolitan elections district law, and that the affiant did visit and inspect the premises claimed by the elector as his residence, and did interrogate an inmate, house-dweller, keeper, care-taker, owner, proprietor or landlord thereof or therein as to the said elector's residence therein or thereat, and that the said affiant was informed by one or more of said persons, naming them, that they were acquainted with and knew the persons residing therein or thereat, and that the elector did not reside at said premises thirty days before election, shall be presumptive evidence against the right of the elector to register from such premises, which may be rebutted only by the oral testimony under oath or affidavit of the elector whose name is sought to be stricken from the register. (*Thus amended by chap. 675, Laws of 1905.*)

§ 32. Forms for registration.—Subdivision 1. Where personal registration is required.—The board of inspectors of each election district in the state shall, at their meetings for registration for the general election in each year, make a quad-

uplicate register — one copy by each inspector — in the forms hereinafter prescribed in this subdivision and in subdivision two of this section, of those persons, and none other, who are or will be qualified to vote in such district at such election, which register, when finally completed, shall be the register of electors of the district for such election. Such register shall also be used at all other elections held in such district during the year succeeding the election for which it is made, except for town meetings and village elections for which no registration is required. In all election districts in which personal registration of all electors is required, the register shall be arranged in nineteen columns and the leaves thereof shall be indexed from A to Z. In the first column of such register there shall be entered at the time of the completion of the registration on the last day for registration, a number opposite the name of each person so enrolled, beginning with "1" opposite the first name entered on the page indexed A and continuing in numerical order to and including the last name entered upon the last page of such register. On each day of registration there shall be entered in the second column thereof the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname and in the third column the christian name or names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence or a brief description of the locality thereof. In the sixth column shall be entered the number of the floor or room occupied by the elector at the residence given by him, and in the seventh column shall be entered his age, in the eighth, ninth and tenth columns shall be entered his length of residence by years, months and days as the case may be in the state, county and election district, respectively; and in the eleventh column shall be entered the country of his nativity, which shall mean the country, state or province of the elector's birth, irrespective of his former political allegiance. In the twelfth column, if he be a naturalized citizen, shall be entered the date of the naturalization certificate under which he claims citizenship and in the thirteenth column shall be entered the designation of the court issuing such naturalization certificate. In the fourteenth, fifteenth, sixteenth and seventeenth columns shall be entered

respectively the name of the state, the city or town and the number and name of the street or avenue of the residence of such person from which he last registered or voted, and the year in which he last registered or voted. In the eighteenth column shall be entered the date of the registration of the elector. The nineteenth column shall be reserved for entering the consecutive number on the stub of the official ballot voted by the elector on election day. In the twentieth column shall be entered, opposite the name of each elector, under the heading "remarks" the facts regarding challenges, oaths and other facts affecting such elector required to be recorded. (*Thus amended by chap. 113, Laws of 1901, and chap. 675, Laws of 1905.*)

Subdivision 2. In all election districts in which personal registration of all electors is not required the register shall be arranged in eight columns. In the first column of such register there shall be entered at the time of the completion of such registration on the last day thereof, a number opposite the name of each person so enrolled, commencing with "1" and continuing in numerical order. On each day of registration there shall be entered in the second column thereof surnames of such persons in the alphabetical order of the first letter thereof, and in the third column the christian names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence, and a brief description of the locality thereof. In the sixth column shall be entered the date on which the elector was registered. The seventh column shall be reserved for entering the consecutive number on the stub of the official ballot voted by the elector on election day. In the eighth column shall be entered opposite the name of each elector, under the heading of "remarks," the facts regarding challenges, oaths and other facts affecting such elector required to be recorded. (*Thus amended by chap. 630, Laws of 1899.*)

Subdivision 3. **Delivery of registry lists.**—In cities of the first and second class, the board of inspectors of each election district shall, immediately after the close of the last day of registration, make and complete one list of all persons enrolled in their respective districts, in the numerical order of the street num-

bers thereof, which list shall be signed and certified by the board of inspectors. Such list shall be delivered by the chairman of the board of inspectors to the police captain of the precinct in which the election district is located, or an officer thereof, who shall forthwith deliver the same, if in the city of New York, to the board of elections and if in the city of Buffalo to the commissioner of elections, and in cities of the second class, to the county clerk of the county in which such city is located. The board of elections of the city of New York and the said commissioner of elections and the county clerk in the said cities of the second class shall, as soon as possible after the delivery of such lists, and not less than six days prior to the day of election, print in pamphlet form for each assembly district or ward within such respective cities not less than fifty times as many copies of said list as there are election districts in such assembly district or ward, so that each assembly district or ward pamphlet shall contain the lists of the several election districts in such assembly district or ward. Upon the written application of the chairman of the executive committee of the county committee of any political party entitled to a separate column upon the official ballot to be voted in such city at the election for which the registration is made, the said board and said commissioner of elections and said county clerk shall respectively deliver to such chairman five copies of each assembly district or ward pamphlets for each election district within such assembly district or ward in such county. Two pamphlets containing the lists of the registered persons in the election districts within his precinct shall be furnished to each police captain in such cities, and it shall be the duty of such police captains to forthwith cause an investigation of each name registered to be made and to report to his commanding officer and to the board of elections and to the said commissioner of elections any case of false registration found in his precinct. The remaining pamphlets so printed shall be distributed in the discretion of the said board, and said commissioner of elections and said county clerk, who shall have respectively the power to charge for each pamphlet a sum not exceeding ten cents a copy and any moneys resulting from the sale thereof shall be paid to the comptroller of the city for the benefit of the treasury of such city. The board of elections shall contract for the printing of such lists of registered

voters with whomsoever it may seem to said board to be most advantageous to so contract, but such contract shall only be awarded after proper public notice and to the lowest bidder. Such lists shall be made and printed as near as may be in the following form, to wit:

GRAND STREET.

Residence number or
other designation.

Name of voter.

14	Smith, John M.
15	Jones, Charles M.

(*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

§ 33. Method of registration.— Subdivision 1. In cities and in villages having five thousand inhabitants or more, the names of such persons only as personally appear before the inspectors, and who are or who will be at the election for which the registration is made, qualified electors, shall be enrolled upon the register at a meeting for registration for a general election, except that whenever any election district in a village having five thousand inhabitants or more shall embrace within its boundaries, territory without the limits of such village, the inspectors shall, at their first meeting for registration for a general election, place upon such register the names of all persons appearing on the register of the last preceding general election, who resided without the limits of such village, but within the election district, who voted at such last preceding general election, except the names of such electors who are proven to the satisfaction of such inspectors to have ceased to be electors since such general election, or have moved within the limits of such village. They shall also place upon such register, at their first and subsequent meetings, the names of all other persons known or proven to their satisfaction, who are or will be entitled to vote at the election, who reside within such election district, but without the limits of such city or village.

Subdivision 2. At the first meeting for registration in all election districts where only two meetings for the enrollment of electors are held for any general election, as provided in section thirty of the election law, the inspectors shall at such

first meeting, place upon the register the names of all persons who voted at the last preceding general election, as shown by the register or poll book of such election, except the names of such electors as are proven to the satisfaction of such inspectors to have ceased to be electors in such district since such general election, and also at said first meeting and at the second meeting, they shall place on the register the names of all persons known or proven to the satisfaction of the inspectors who are, or will be, entitled to vote at the election for which such registration is made. (*Renumbered by chap. 630, Laws of 1899.*)

Subdivision 3. At the meeting of the board of inspectors in a city or village having five thousand inhabitants or more, for revising and correcting the register for any election other than a general election, the inspectors shall retain upon the register of their respective districts, the names of all persons qualified to vote at such election in such district, which appear upon the register of electors for the last preceding general election in such election district, except the names of such electors as are proven to the satisfaction of the inspectors to have ceased to be electors of such district since their names were placed upon such register, and shall, at such meeting, add only to such register the names of the persons qualified as electors, who shall personally appear before the board. If, however, such elector resides within such election district, but without the limits of such village, his name shall be placed upon such register, if it is shown to the satisfaction of such board that he is entitled to vote therein. In cities of the first class any elector who was enrolled upon the register in an election district of such city at the last preceding general election, and who since that time shall have removed into another election district in the same city, and who is otherwise qualified to vote at such special election, shall, upon demand, receive from the board of inspectors of the district in which his name was enrolled for such last preceding general election, a certificate duly signed by the said board of the fact that his name was upon such register, and has been erased therefrom because of such removal, and his name shall thereupon be erased from such register. Upon presentation of such certificate by the elector to the board of inspectors of the election district in which he resides, his name shall be placed upon the register for such district.

The inspectors must note upon the register opposite the name of such elector, the fact of such certificate of removal, specifying the election district from which he has removed. They shall carefully attach such certificate to the register. No elector shall cause his name to be placed upon the register of an election district for any election other than a general election, while his name shall appear upon the register of another district to be used at such election. Any person who shall violate this provision is guilty of a felony, and upon conviction shall be punished by imprisonment in a state prison for not less than two or more than five years. In all election districts other than in cities or in villages of five thousand inhabitants or more, the board of inspectors in preparing for an election other than a general election shall add to the register for the last preceding general election, the names of such electors as they know are or are satisfied by proof will be, on the day of such election, entitled to vote thereat, and shall strike therefrom the names of all persons whom they know or are satisfied by proof have ceased to be qualified electors of such election district. No registration of electors shall be required for town or village elections. (*Renumbered by chap. 630, Laws of 1899.*)

§ 34. General provisions.— Subdivision 1.—**Qualification of elector.**—A person is a qualified elector in any election district for the purpose of having his name placed on the register if he is or will be, on the day of the election, qualified to vote at the election for which such registration is made. A qualified elector is a male citizen who is or will be on the day of election twenty-one years of age, who has been an inhabitant of the state for one year next preceding the election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote. If a naturalized citizen, he must, in addition to the foregoing provisions, have been naturalized at least ninety days prior to the day of election.

Subdivision 2. For the purpose of registering and voting no person shall be deemed to have gained or lost a residence, by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the

waters of the state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, or institution wholly or partly supported at public expense, or by charity; nor while confined in any public prison. Any person claiming to belong to any class of persons mentioned and referred to in this subdivision shall file with the board of inspectors at the time of registration a written statement showing where he is actually domiciled, his business or occupation, his business address, and to which class he claims to belong. Such statement shall be attached to the register, and be open for public inspection, and the fact thereof shall be noted in the register opposite the name of the person so enrolled.

Subdivision 3. Illiterate and disabled electors.—If, at any meeting for the registration of electors, any person entitled to be registered and of whom personal registration is required, shall declare to the board of inspectors at the time he applies for registration, that he is unable to write by reason of illiteracy, or that he will be unable to prepare his ballot without assistance by reason of blindness, or of such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, loss of both hands, or such total inability of both hands that he cannot use either hand for ordinary purposes, or that he will be unable to enter the voting booth without assistance by reason of disease or crippled condition, the nature of which he must specify, it shall be the duty of the said board of inspectors to administer an oath to such person in the following language, namely: “ You do solemnly swear (or affirm) that you will be unable to prepare your ballot without assistance, because,” and after the word “ because,” continuing with a statement of the specific disease or crippled condition assigned by the person as the cause of his alleged disability, and the said inspectors and each of them shall make a note upon the register of each instance in which such oath is administered, and of the cause or reason so assigned.

Subdivision 4. If any elector after being enrolled, shall change his place of residence within the same election district, he may appear before the board of inspectors of such district on any day of registration, or on the day of election, and state under oath that

he has so changed his residence, and the board of inspectors shall thereupon make the proper correction upon the register of such district.

Subdivision 5. No part of a day fixed for the registration of electors shall be deemed a holiday so as to affect any meeting or proceeding of the board of inspectors for registration.

Subdivision 6. **Challenges to applicants for registration.**— The secretary of state shall prepare and cause to be printed on good writing paper in book form wherever he deems it desirable for the best interests of the state, at least one hundred blank challenge affidavits for each election district in cities and at least fifty such blanks for each election district outside of cities and shall transmit to each county clerk, board or other officers to whom or which he is required to deliver the register of electors and at the same time and in the same manner as such register of electors are transmitted a sufficient number of such books of blank challenge affidavits as shall provide one such book for each board of inspectors in each county, and such officers shall transmit the said books to the respective boards of inspectors in the same manner and at the same time as the register of electors. The secretary of state shall also furnish to such clerk or board an additional number of such books of challenge affidavits, and copies thereof as herein-after provided, which in his judgment are necessary to replace lost or damaged books and to provide extra books to any election district in which the supply may be exhausted during the registration of electors. Such extra books shall be furnished by such clerk or board to the inspectors upon application by the inspectors or any citizen. Each challenge affidavit shall have a stub attached thereto and separated from such affidavit by a perforated line with a space on such stub for writing the name and the address of the challenged person, and both the stub and affidavit shall bear the same printed number and shall be numbered in consecutive order therein, beginning with number one. Such challenge affidavit shall be printed in the following form, to wit:

(Stub)

Name of applicant

Address

(Perforated line.)

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CHALLENGE AFFIDAVIT.

State of New York }ss: Election District
County of } Assembly District or Ward.

City (or town) of
What is your true name?
Where do you actually reside?
Under what name are you known at that address?
Are you a householder?
What is the name of the householder with whom you reside?
.....

What is the character of the house in which you reside? (By character is meant whether it is a hotel, lodging house, tenement furnished room house, or private dwelling.)
.....

How old are you?
Where were you born?
If naturalized, give name of court issuing and date of certificate?
What is your occupation?
What is the name of your present employer?
Where is his place of business?
What is the name of your last employer?
Where is or was the place of business?
When did you last register or vote?
From what address did you last register or vote from?
City or town Street and number
How long have you been an inhabitant of this state?
How long have you been a resident of this county?
How long have you been a resident of this election district?
.....

Are you married or single?
If married, where does your family reside?
If single, where do your parents reside?
How long do you contemplate residing in this election district?
.....

Give place or places by street and number, the city, town or village of your residence or residences during the past four months.
.....

Where did you actually reside immediately prior to taking up your present residence?
.....

Have you been convicted of felony?.....

If so; have you been pardoned and restored to all the rights of citizenship?.....

When?..... By whom?.....

Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?.....

Have you received or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for registering or for giving your vote or refraining from voting at the next election?.....

Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?.....

I, the undersigned, do hereby solemnly swear (or affirm) that the answers to the above questions were given by me and that they are true answers to such questions.

(Signature of applicant.).....

Description of applicant.

Height Color of hair.....

Weight Hair on face.....

Color Kind of nose.....

Marks on face or hands

Distinguishing marks

I, the undersigned, an inspector of election of the above designated election district, do hereby certify that the within named person did on this day, personally appear before the board of inspectors of this election district and did make application to have his name enrolled upon the register of electors of this said election district; that he was challenged and was sworn by me and did make the answers set opposite the printed questions upon this affidavit and signed the same in my presence.

Dated this.....day of October, 1900..

Name Residence

Inspector of election

(To be signed by the inspector administering oath to applicant.)

Witnesses.

Name..... Residence..... Inspector of Election.
Name..... Residence..... Inspector of Election.
Name..... Residence..... Inspector of Election.
(Board of Inspectors.)

Name of challenger
Residence of challenger

Any person who applies personally to any board of inspectors for registration for any election may be challenged by any qualified elector, present. If such applicant be so challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to have his name enrolled on such register, the chairman of the board of inspectors, or any member of such board is hereby authorized to and shall administer to such applicant the following oath: You do solemnly swear (or affirm) that you will true answers make to the questions touching upon qualifications as an elector and such other questions as may be put you tending to establish your identity and one of the inspectors shall thereupon read to such challenged person each and every question printed upon the challenge affidavit herein provided for and shall enter in ink opposite each question the answer thereto given by such applicant. The applicant shall subscribe his name to such challenge affidavit, which shall also be subscribed to by the inspector administering the above oath and as witnesses by the other inspectors present, who shall certify over their names, the fact that the applicant did apply for registration, that he was duly sworn and that the answers set opposite the printed questions are the true answers given to such questions by the challenged applicant. Inspectors shall also enter in the place provided on the challenge affidavit a description of the person challenged and the name and address of the person challenging. If the applicant shall by his answers satisfy a majority of the board of inspectors of his right to be registered, they shall enroll his name as an elector; if not, they shall point out to him the qualifications which he lacks as an elector and his name shall not be enrolled upon such register except as provided by section thirty-one of this act, and upon any such proceeding the challenge affidavit of such applicant shall be submitted in evidence to such court, justice or judge. If the applicant shall refuse to make oath to the questions put to him and the answers given thereto

by him or shall refuse to answer any question upon the challenge affidavit his name shall not be placed upon the register, or if recorded thereon previous to his ascertained disqualification as an elector, the inspectors shall enter in the remark column after such name the word disqualified and no person shall be allowed to vote on such name at the election. Any applicant for registration, inspector or other person who shall incorporate or cause to be incorporated any false statement in such challenge affidavit shall be deemed guilty of perjury. At the close of each day of registration the inspectors of election shall detach from the stubs the challenge affidavits signed by the persons challenged during the day and in cities shall deliver them to the police captain of the precinct in which the election district is located or to an officer thereof, and such police captain or commanding officer of such precinct shall immediately cause an investigation of the truth of such affidavit to be made, and if such investigation shall prove the same to be false in any particular affecting the right of the challenged person to register or vote, the said officer shall deliver the same to the district attorney of the county, together with the evidence of the falsity of such affidavit, and the district attorney shall forthwith present the same to the grand jury of such county. In election districts outside of cities such affidavit shall be delivered by the inspectors to the sheriff of the county who shall proceed in like manner, provided, however, that in the election districts within the metropolitan elections district all such challenge affidavits shall be delivered by the police or sheriff forthwith at the close of each day of registration to the state superintendent of elections for the metropolitan elections district, who shall proceed in like manner. When the name of a person who has signed a challenge affidavit, shall be enrolled on the register, the inspectors shall enter in the column headed remarks on such register opposite such name the word affidavit, giving the consecutive number printed on such affidavit. At the close of the last day of registration the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received by the inspectors and such officer shall preserve it in his office. The secretary of state shall also furnish for each election district within the metropolitan elections district a duplicate book of challenge affidavits but without the stubs each of which affidavits shall be printed with the words official copy of above the words challenge affidavit printed thereon, and then

shall be printed upon the outside cover of each such book the words copy book of challenge affidavits, together with proper instructions to the inspectors of election regarding the same as herein provided. Such duplicate books of challenge affidavits shall be delivered to the boards of inspectors of election within the metropolitan elections district at the same time and in the same manner as the original book of challenge affidavits. The inspectors of election, or one of them designated by the chairman of the board, of the election districts within the metropolitan elections district shall, at the time of filling out and signing of any challenge affidavit as heretofore provided, make a duplicate of such challenge affidavit, upon the copy of the challenge affidavit numbered to correspond with the original challenge affidavit. The duplicate book of challenge affidavits shall be in the custody of the chairman of the board of inspectors until the close of the polls of the election for which the registration is made, when it shall be filed together with the book of unused original challenge affidavits and stubs in the office of the board or officer delivering the same to the board of inspectors. Except as hereinafter provided any person who shall wilfully suppress, alter, destroy or mutilate any signed challenge affidavit or official copy thereof shall be deemed guilty of a felony. The officer or board with whom the original challenge affidavit or copies thereof are filed may destroy the same six months after the date of the election for which they were made, except those which are to be used in any criminal prosecution. (*Thus amended by chap. 544, Laws of 1901.*)

Subdivision 7. Record of challenges.—If, at a meeting of the board of inspectors for registration, any elector shall, upon oath, declare that he has reason to believe that any person on the register of electors will not be qualified to vote at the election for which the registration is made, the board of inspectors shall place the words "to be challenged" opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualification shall be administered to him, and if he shall refuse to take such oath he shall not be permitted to vote.

Subdivision 8. Production of naturalization papers.—It shall be the duty of every naturalized citizen before being registered to produce to the inspectors, if any inspector shall require,

his naturalization papers or a certified copy thereof for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to the year eighteen hundred and sixty-seven. If however such naturalized citizen can not for any reason produce his naturalization papers, or a certified copy thereof, the board of inspectors, or a majority of such board may place the name of such naturalized citizen upon the register of electors upon his furnishing to such board evidence which shall satisfy such board of his right to be registered. (*Thus amended by chap. 675, Laws of 1905.*)

Subdivision 9. Any person knowingly taking a false oath before the board of inspectors, shall upon conviction thereof be punished as for willful and corrupt perjury.

Subdivision 10. **Persons excluded from the right of suffrage.**—No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or any other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or for registering or refraining from registering as an elector, or who shall make any promise to influence the giving or withholding any such vote or registration, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of an election, shall vote at such election. No person who has been convicted of a felony shall have the right to register for or vote at any election unless he shall have been pardoned and restored to the rights of citizenship. (*Added by chap. 654, Laws of 1901.*)

Subdivision 11. When a town or village election is held at the same time with a general election all electors in such town or village to be entitled to vote at such town or village election must be registered as provided by law for the enrollment of electors for any general election in such town or village. (*Added by chap. 405, Laws of 1902.*)

§ 35. Subdivision 1. Certification and custody of register.—At the close of each meeting for the registration of electors, for a general or other election in a city, or in an election

district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration their certificate, to the effect that such register as it now is comprising (here insert the number) names, is a true and correct register of the names and residences of all the electors qualified to vote at such election in such district, who have personally appeared before the board of registration, and such registers so certified shall be presumptive evidence that the names and places of residence contained therein are the names and places of residence given by the persons registered respectively. At the close of each meeting for the registration of electors for a general or other election elsewhere than in a city, or in a district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration a certificate to the effect that such register as it now is, comprising (here insert the number) names, is a true and correct register of all electors qualified to vote at such election in such district, who have personally applied for registration, or whose names the board was required by law to place thereon. Each such certification shall be signed by all the inspectors, but in case one inspector required to sign such certificate shall fail for any reason so to do, he may be required by the officer with whom such register is filed to sign such register at a subsequent date. In all cases a majority of the inspectors must sign such certificate at the close of each day of registration.

Subdivision 2. Method of entry and filing of registry.— The register of electors made by the chairman of the board of inspectors shall be, and shall be known, as the public copy of registration. Such public copy shall be left in a prominent position in the place of registration from the first day of registration until election day, and shall at all reasonable times be open to public inspection and for making copies thereof. Each other inspector shall carefully preserve his register of electors and shall be responsible therefor, until the close of the canvass of the votes on election day, except as hereinafter provided for in cities of the first class. At the close of each day of registration the inspectors shall draw a line in ink immediately below the name of the elector last entered upon each page of each such register. Upon the succeeding day of registration, they shall enter the names of electors in the alphabetical order of the first letter of the sur-

name below the line so drawn upon the proper page after the close of the previous day of registration. Upon the close of the last day of registration, the inspectors shall again carefully compare all the books of registration, to see that they are identical as to their contents, and shall certify as a board in the proper place provided therefor upon each such register that such register is a true and correct register of persons enrolled by them in such district for the next ensuing election, and shall state the whole number of such persons so enrolled. In cities of the first class, at the close of the last day of registration, the chairman of the board of inspectors shall take from an inspector of opposite political faith from himself, the register of elections made by such inspector, and deliver it to the police, who forthwith shall file the same, if in the city of New York, with the board of elections in the borough of Manhattan and with the chief clerk of the branch office of the board of elections of each other borough in which the election district is located, and if in any other city with the commissioner of elections. Such registers so filed, shall be a part of the records of the offices in which it is filed. The two other inspectors of opposite political faith from each other shall each retain their respective registers of electors for use on election day. All registers of electors shall at all reasonable hours be accessible for public examinations and making copies thereof, and no charge of any kind shall be made for such examination or for any elector making a copy thereof. In cities of the first class the public copy of registration shall be used, if necessary, on election day by the inspector whose register was filed as herein provided by said chairman. Any person who shall alter, mutilate, destroy or remove from the place of registration the public copy of such registration, shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two nor more than five years, unless otherwise provided by law. If, in cities, the board of inspectors shall meet on the second Saturday before the election for the purpose of revising and correcting the register of electors in pursuance of an order of the supreme court, a justice thereof or a county judge, as provided in section thirty-one of the election law, the inspectors shall certify forthwith to the officer with whom the copy of the register is filed, the change or changes made upon such register in pursuance of such order.

At any revision of registration for an election other than a general election, the quadruplicate register of electors for the last preceding general election shall be furnished to the inspectors of election by the officer or board having the custody thereof, and the inspectors shall certify to the officer or board in cities of the first class with whom the registers are filed, the changes, additions, or alterations made in such registers for such election. In the cities of the first class at the close of the canvass of the votes of any election, or within twenty-four hours thereafter the two copies of the register of electors used by the inspectors and the public copy thereof shall be filed respectively with the board of elections in the borough of Manhattan and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York, in which the election district is located, and in the city of Buffalo with the commissioner of elections. In all election districts other than in cities of the first class, one copy of the register used on election day by the inspectors shall within twenty-four hours after the close of the election be filed in the office of the town or city clerk of the town or city in which such election district is, and the other copies with the county clerk except in the county of Erie, and in the county of Erie with the commissioner of elections. It shall be the duty of the officers with whom such registers of the election districts within the metropolitan elections district are filed, to forthwith file one copy of such register for each election district with the state superintendent of elections for the metropolitan elections district. Such register of electors shall be carefully preserved for use at any election which may be ordered or held in either of such counties or cities, respectively, prior to the next ensuing general election at which they may be required. (*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

Subdivision 3. At the close of registration on the fourth day in the election districts in cities and villages of five thousand inhabitants or more and at the close of registration on the second day in other districts, the board of inspectors shall forthwith certify to the officer or board charged with the duty of furnishing ballots to such district, and in the election districts within the metropolitan elections district to the state superintendent of elec-

tions the total number of electors enrolled in such district. In cities inspectors of each district shall also furnish to the police at the close of each day of registration, the total number of electors enrolled on such day, in their respective districts. The police of the cities within the metropolitan elections districts shall forthwith at the close of each day of registration file with the state superintendent of elections a certificate showing the total number of electors enrolled therein in the respective election districts thereof. (*Thus amended by chap. 630, Laws of 1899.*)

§ 36. Subdivision 1. Delivery of blank books for registration certificates and instructions.— The secretary of state shall purchase whenever he deems it desirable for the best interests of the state, a suitable number of blank books for register of electors, with blank certificates and brief instructions for registering the names of electors therein, in the forms respectively provided in subdivisions one and two of section thirty-two of the election law, at least four of such books for each board of inspectors in the state, and such number of extra copies thereof as in his judgment may be necessary for each county or city to replace lost or damaged registers before delivery to the inspectors. Such register of electors shall have the leaves thereof indexed with the letters of the alphabet, beginning with the letter "A" for the first leaf, and so on. He shall transmit such registers, certificates and instructions to the county clerk of each county, except the county of Erie and those counties the whole of which are included within the city of New York; to each such county clerk and to the commissioner of elections of the county of Erie a sufficient number thereof for the use of the boards of inspectors within his county and to the board of elections of the city of New York, located in the borough of Manhattan; and to the chief clerk of the branch office of the board of elections in each other borough within the city of New York a sufficient number thereof for the use of each board of inspectors within said respective boroughs at least twenty days prior to the first day of registration for a general election in each year. The county clerk, or said commissioner of elections as the case may be, shall deliver such books to the town clerks of each town, and to the city clerk of each city in such county, except the city of Buffalo, by mail or otherwise, at least five days prior to the first day of registration,

and such town clerk and city clerks, and the said board of elections and chief clerks of branch offices of the board of elections in the city of New York and in the city of Buffalo the commissioner of elections shall deliver such books to the inspectors of said boroughs, respectively, before the hour set for registering the names of electors on the first day of registration. On each day of registration, the board of elections of the city of New York, and in the city of Buffalo the commissioner of elections shall furnish to each board of inspectors in their respective cities, blanks for the list of electors provided for in subdivision three of section thirty-two of the election law. (*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

Subdivision 2. Delivery of previous registers and poll books to inspectors.— Each town clerk with whom the register of the last preceding general election in any election district, elsewhere than in a city or wholly within a village having five thousand inhabitants or more, shall have been filed, shall cause such register and one of the poll books to be delivered to the board of inspectors of such district at the opening of its first meeting for the registration for any election. If a new election district shall have been formed in a town since such general election, the clerk of such town shall, before the first meeting for registration thereafter in such new election district, make a certified copy of each register for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copy to be delivered to the board of inspectors of such new election district at the opening of such meeting for registration. Such board, at such meeting, shall place upon the register of electors all persons whose names are upon such copies who are qualified to vote in such election district at the election for which such meeting is held, except the names of persons who are required to personally appear for registration. If a new election district shall have been formed in a city since such general election, the clerk or board with whom the register of electors for such last preceding general election shall have been filed shall, before the meeting of the inspectors of election of such new district for registration for any other election, make a certified copy of each register of electors for such last preceding general election of each election district out of which such new

election district is formed, and the inspectors of such new election district shall, at such meeting for registration for such election, place upon the register of electors the names of all persons upon such copies who are qualified to vote in such election district at the election for which such meeting is held.

ARTICLE III.

Primaries, Conventions and Nominations.

SECTION 50. Definitions of primary and convention.

- 51. Notice of primary.
- 52. Organization and conduct of primaries.
- 53. Qualifications of voters at primaries.
- 54. Duties of chairman of primary.
- 55. Watchers and canvass of votes at primaries.
- 56. Party nominations; choice of emblems for ballot.
- 57. Independent nominations.
- 58. Places of filing certificates of nominations.
- 59. Times of filing certificates of nominations.
- 60. Certification of nominations by secretary of state.
- 61. Publication of nominations.
- 62. Lists for town clerks and aldermen.
- 63. Posting town and village nominations.
- 64. Declination of nomination.
- 65. Objections to certificates of nominations.
- 66. Filling vacancies in nominations; correction of certificates.

Section 50. Definitions of primary and convention.—

As used in this article, a convention is an assemblage of delegates representing a political party or independent body, duly convened for the purpose of nominating candidates for office, electing delegates to conventions, electing officers for party organizations, or for the transaction of any other business relating to the affairs or conduct of the party or independent body; and a primary is any other assemblage of voters of a political party or independent body duly convened for any such purpose.

§ 51. Notice of primary.— No primary shall be held in a city or village having a population of over five thousand, as shown by the last state or federal enumeration, unless at least two days' notice thereof shall be published in a daily newspaper in such city or village, of the same politics with the political party giving the notice at least twice; but if no such newspaper is published in the same city or village where such primary is to be held, such notice shall be published in a weekly newspaper, if any, in such city or village of the same politics of the political party giving the notice before such primary is held. But if no such daily or

weekly newspaper be so published in such city or village, such notice shall be posted in at least six public places in such city or village at least two days prior to the holding of such primary. Such primary shall be opened at such hour between nine o'clock in the forenoon and nine o'clock in the afternoon, as may be prescribed by the political party or independent body holding the same. Elsewhere than in such a city or village, every primary shall be called and held pursuant to notice given according to the regulations and usages of the political party or independent body holding it.

§ 52. Organization and conduct of primaries.—

Every primary held by any political party or independent body for the purpose of choosing candidates for office, or the election of delegates to conventions, or for the purpose of electing officers of any political party or independent body, shall be presided over and conducted by officers to be selected in the manner prescribed by the rules or regulations of the political party or independent body holding such primary. If the rules and regulations of the political party or independent body calling it so require, or if it shall be, by a vote of the electors present, so resolved, or, if it be in a city or village having a population of over five thousand according to the last preceding federal or state enumeration, and five qualified electors of the district where it is held, belonging to the political party calling it, shall serve upon the secretary or chairman of the general committee of the party, or of its organization in such city or village, or upon the chairman of the district committee, a written demand, stating that they so require it, the following additional requirements, or such of them as may be specified in such demand, shall be complied with:

1. The chairman and other officers shall take the constitutional oath of office.
2. Candidates and delegates and officers of the organization or committee shall be chosen by ballot.
3. The meeting shall be held open not less than one hour for voting thereat.
4. The tellers shall keep a poll list of the name and residence of each person voting, and assist the secretary in the canvass of the votes.

5. An elector shall be appointed watcher for each candidate or set of candidates or delegates requesting the same.

6. The chairman shall publicly announce the number of votes cast for each candidate, and the result of the canvass at the completion thereof, and shall, if the primary be held in a city or village having a population of more than five thousand, as shown by the last preceding federal or state enumeration, file a statement of such results and the oath taken at such primary, and the poll list kept thereat in the office of the county clerk, if located in such city or village, and otherwise, in the office of the city or village clerk, and the papers so filed shall be public records and open to inspection and examination by any elector of the state.

§ 53. Qualifications of voters at primaries.— No person shall be entitled to vote at any primary unless he may be qualified to vote for the officers to be nominated thereat on the day of election. They shall possess such other qualifications as shall be authorized by the regulations and usages of the political party or independent body holding the same.

§ 54. Duties of chairman of primary.— The chairman may administer any oath required to be administered at any primary. He shall decide all questions that arise relating to the qualifications of voters when the voter is challenged by an elector and shall reject such vote, unless the person offering the vote is willing to be, and shall be sworn, that he will truly answer all questions put to him touching his qualification as such voter, and shall state under oath that he is qualified to vote at such primary.

§ 55. Watchers and canvass of votes at primaries.— The ballot box used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass, and the signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

§ 56. Party nominations; choice of emblems for ballot.— Nominations made as provided by this section shall be

known as party nominations, and the certificate by which such nominations are certified shall be known as a party certificate of nomination. Party nominations of candidates for public office can only be made by a convention, or by a duly authorized committee of such convention of a political party which at the last preceding general election before the holding of such convention at which a governor was elected, cast ten thousand votes in the state for such officers; provided, however, that party nominations of candidates for public office to be voted for only in a town, or ward of a city, or a village or subdivision thereof, can only be made by a convention or primary or by a duly authorized committee of such convention or primary of a political party, which, at the last preceding general election before the holding of such convention or primary at which a governor was elected cast ten thousand votes in the state for such officer. The party certificate whereby such party nominations are certified shall contain the title of the office for which each person is nominated, the name and residence of each such person, and, if in a city, the street number of the residence of each such candidate and his place of business if any. It shall also designate, in not more than five words, the name of the political party which the convention, primary or committee making such nomination represents. It shall be signed by the presiding officer and a secretary of such convention or primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signature their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such convention or primary, or that they are members and constitute a majority of such committee, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken, and attached to such certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention or primary which authorized such committee to make such nomination. A certificate of nomination filed pursuant to this section may upon its face appoint a committee of one or more persons for the purposes specified in section sixty-six of this act. When a party nomination is made by a state convention

of a candidate or candidates to be voted for by the electors of the entire state, it shall be the duty of such convention to select some simple device or emblem to designate and distinguish the candidates of the political party making such nominations or nomination. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the presiding officer and a secretary of said convention, which certificate shall be filed with the secretary of state, and such device or emblem, when so filed, shall in no case be used by any other party or independent body. When any independent body shall make a like nomination, as provided by the fifty-seventh section of this act, it shall be the duty of the persons who shall sign and execute the certificate of nomination of such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish the candidate of such independent body making such nomination, and such device or emblem shall be shown by the representation thereof upon a certificate signed and duly executed by the proper parties authorized for that purpose. The device or emblem so chosen, when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same political party or independent body nominated by such political party or independent body, or duly authorized committee, or primary thereof, in all districts of the state and shall continue to be used to designate and distinguish the candidates of such political party or independent body in all districts of the state until changed by the state convention of the political party or independent body choosing such device or emblem. The device or emblem chosen, as aforesaid, may be the representation of a star, an animal, an anchor, or any other appropriate symbol, but neither the coat of arms nor seal of any state, nor of the United States, the national, state or national flag, nor any religious emblem or symbol, nor the portrait of any person, nor a representation of a coin or of the currency of the United States shall be chosen as such distinguishing device or emblem. If the certificate of nomination of two or more different political parties or independent bodies shall designate the same, or substantially the same, device or emblem or party name, the officer with whom the certificates of nominations are filed shall decide which of said political parties or independent bodies is entitled to the use of such device, or emblem.

blem, or party name, being governed as far as may be in his decision by priority of designation in the case of the device or emblem, and of use in the case of the party name. If the other nominating body shall present no other device or party name after such decision, such officer shall himself select for such other nominating body another device or party name, so that no two different parties shall be designated by the same device or party name. If there be a division within a party, and two or more factions claim the same, or substantially the same device or name, the officer aforesaid shall decide between such conflicting claims, giving preference of device and name to the convention or primary, or committee thereof, recognized by the regularly constituted party authorities. Any questions arising with reference to any device, or to the political party or other name designated in any certificate of nomination filed pursuant to the provisions of this section, or of section fifty-seven of this article, or with reference to the construction, validity or legality of any such certificate, shall be determined in the first instance by the officer with whom such certificate of nomination is filed. Such decision shall be in writing, and a copy thereof shall be sent forthwith by mail by such officer to the committee, if any, named upon the face of such certificate, and also to each candidate nominated by any certificate of nomination affected by such decision. The supreme court, or any justice thereof, within the judicial district, or any county judge within his county, shall have summary jurisdiction upon complaint of any citizen, to review the determination and acts of such officer, and to make such order in the premises as justice may require, but the final order must be made on or before the last day fixed for filing certificates of nomination to fill vacancies with such officer as provided in subdivision one of section sixty-six of this article. Such a complaint shall be heard upon such notice to such officer as the said court or justice or judge thereof shall direct. If any certificate of nomination of candidates to be voted for by the electors of the entire state, filed with the secretary of state, pursuant to the provisions of this act, shall omit to designate a device or emblem to distinguish the candidates of the political party or independent body making such nomination, it shall be the duty of the secretary of state to select a device or emblem for that purpose, and such device or emblem so chosen shall be used to distinguish all candidates of that party or independent body through-

out the state, whether such candidates are nominated for state, or for local offices; and if any certificate of nomination of candidates to be filled by the electors of a district less than the entire state shall be filed with the secretary of state, or with any public officer pursuant to this article, by a political party or independent body which has made no nomination of candidates for offices to be filled by the electors of the entire state, and such certificate of nomination shall omit to designate a device or emblem to distinguish the candidates nominated in such certificate, it shall be the duty of the secretary of state or other public officer with whom such certificate of nomination is filed, to select a device or emblem to represent the candidates named in such certificate of nomination. (*Thus amended by chap. 654, Laws of 1901.*)

§ 57. Independent nominations.— Nominations made as provided by this section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Independent nominations of candidates for public office to be voted for by all the electors of the state can only be made by six thousand or more voters of the state; provided, however, that in making up such number at least fifty electors in each county of the state (the counties of Fulton and Hamilton to be considered as one county) shall subscribe to the certificate provided for in this section. Independent nominations of candidates for municipal offices to be voted for by all the electors of a municipality can only be made if in a city of the first class by two thousand electors of such city; if in cities of the second class by one thousand electors of such city, and in other cities by five hundred electors thereof. Independent nominations of candidates for a county office in a county in which there is a city of the first class can only be made by two thousand electors of such county. Independent nominations of candidates for public office other than municipal offices to be voted for in a district less than the whole state, but greater than a town or ward of a city, can only be made by one thousand electors or more of the district, except that five hundred voters or more of an assembly or school commissioner district, may make such nomination for member of assembly or school commissioner to be voted for in such district. Independent nominations of candidates for public office to be voted for only by the electors of a town, or a ward of a city, or

a village, can only be made by one hundred electors or more of such town, ward or village, except that when such town, ward or village constitutes an assembly or school commissioner district, five hundred or more electors shall be required as above to make such nomination for member of assembly or school commissioner. Independent nominations shall be made by certificate subscribed by such electors, each of whom shall add to his signature his place of residence and make oath that he is an elector and has truly stated his residence. The making of the said oath shall be proved by the certificate of the notary or other officer before whom the said oath is taken, and it shall be unnecessary for an elector who has subscribed a certificate of nomination as herein provided, to sign any affidavit as to the matter to which he has made oath as aforesaid. The certificate hereinbefore provided for of the notary or other officer shall be in the following form substantially:

State of New York, }
County of } ss:

On the day of in the year
before me personally came (here shall be inserted the names of
each and every elector appearing and making oath before the said
officer), each of whom was to me personally known and known by
me to be the elector whose name and place of residence is sub-
scribed by him to the foregoing certificate and each of the fore-
going electors being by me duly and severally sworn did make oath
that he is an elector and has truly stated his residence, and that it
is his intention to support at the polls the candidacy of the person
or persons nominated for public office in the foregoing certificate
of nomination.

(Signature and official title.)

The certificate of nomination and each separate paper thereof, if there be more than one such paper, shall contain the following declaration which shall be subscribed to by the signers thereof: We the undersigned duly qualified electors of the district for which the nomination for public office is hereby made under the provisions of section fifty-seven of the election law do hereby declare that it is our intention to support at the polls the candidacy of the

person or persons herein nominated for public office. The certificate shall also contain the titles of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and his place of business, if any; and shall designate in not more than five words the political or other name which the signers shall select, which name shall not include the name of any organized political party. All independent certificates of nomination shall, upon their face, designate and select a device or emblem to represent and distinguish the candidate of the independent body making such nominations, as provided, by the fifty-sixth section of this act. A certificate may designate upon its face, one or more persons as a committee to represent the signers thereof, for the purposes specified by section sixty-six of this act. The signatures to the certificate of nomination need not all be appended to one paper. No person shall join in nominating more candidates for any one office than there are persons to be elected thereto, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. (*Thus amended by chap. 654, Laws of 1901.*)

§ 58. Places of filing certificates of nomination.—

Certificates of nomination of candidates for office to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by the county clerk of Fulton county, shall be filed in the office of the county clerk of Hamilton county, so long as the said counties constitute one assembly district, and except that certificates of nomination of candidates for offices to be filled only by the electors or a portion of the electors of the city of New York shall be filed with the board of elections of the city of New York. Certificates of nomination of candidates for offices to be filled only by the votes of electors, part of whom are of New York city, and part of whom are of a county not wholly within the city of New York shall be filed with the clerk of such county and in the office of the board of elections of said city.

Certificates of nomination of candidates for offices of any other city except the city of Buffalo, to be elected at the same time at which a general election is held shall be filed with the clerk of the county in which such city is located. Certificates of nomination of candidates for offices of any other city, except the city of Buffalo, or for officers of a village or town to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town, respectively. In towns in which town meetings are held at the time of general elections, certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for, and the other with the clerk of the county in which such town is located, except that in the county of Erie, all such duplicate certificates of nomination shall be filed, one with the commissioner of elections and one with the clerk of the town in which such officers are to be voted for. All other certificates of nomination, except in the county of Erie, shall be filed with the clerk of the county in which the candidates so nominated are to be voted for, and in the county of Erie all such certificates, including certificates for the nomination of ward and city officers in the city of Buffalo, shall be filed with the commissioner of elections. All certificates and corrected certificates of nomination, all objections to such certificates and all declination of nominations are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit without delay, every such paper or papers to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by certificates filed in the office of such officer or board, or certified thereto, the title of the office for which any such nomination is made, the political or other name and emblem of the political party or independent body making such nomination; and in which shall also be stated all declinations of nominations or objections to nominations, and the time of filing each of the said papers. (Thus amended by chap. 95, Laws of 1901; chaps. 241 and 405, Laws of 1902, and chap. 643, Laws of 1905.)

§ 59. The times of filing certificates of nomination.—The different certificates of nomination shall be filed

within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state, if party nominations, at least thirty and not more than forty days; if independent nominations, at least twenty-five days and not more than forty days; those required to be filed with the county clerk, or the board of elections of the city of New York, or with the city clerk of any other city, or with the commissioner of elections of Erie county, if party nominations, at least twenty-five and not more than thirty-five days; if independent nominations, at least twenty, and not more than thirty-five days; those required to be filed with a town or village clerk, if party nominations, at least fifteen and not more than twenty days; if independent nominations, at least ten and not more than twenty days. Except that in towns, other than in the county of Erie, where town meetings are held at the time of general elections, certificates of nomination for town officers, shall be filed with the town and county clerks, within the time required by this section for the filing of certificates of nomination with the county clerk, and in the county of Erie such certificates shall be filed with the commissioner of elections and the town clerks not less than twenty nor more than thirty days before the day of election. In case of a special election ordered by the governor under the provisions of section four of the election law, the certificates of nominations for the office or offices to be filled at such special election shall be filed with the proper officer or boards not less than fifteen days before such special election. (*Thus amended by chap. 95, Laws of 1901; chap. 405, Laws of 1902, and chap. 643, Laws of 1905.*)

§ 60. Certification of nominations by secretary of state.— The secretary of state shall, fourteen days before the election, certify to the county clerk of each county, except the county of Erie and those counties the whole of which are within the city of New York, and to the board of elections of the city of New York, and to the commissioner of elections of the county of Erie, the name, residence and place of business, if any, of each candidate nominated in any certificate so filed for whom the electors of any such county or said city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party

or independent body making such nominations. (*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

§ 61. Publication of nominations.—At least six days before an election to fill any public office the county clerk of each county, except those counties which are wholly within the city of New York, and the county of Erie, and in the county of Erie the commissioner of elections, shall cause to be published in not less than two or more than four newspapers within such county, one of which shall be a daily newspaper, if a daily newspaper is published in such county, and in any county having one hundred thousand or more inhabitants, adjoining a city having a population of one million or more, in not less than six nor more than ten newspapers, a list of all nominations of candidates for offices other than town offices to be filled at such election, certified to such officer by the secretary of state, or filed in the office of such officer. The board of elections of the city of New York shall, within the same time before an election to fill any public office, cause to be published in two newspapers published in each borough within such city a list of the nominations of candidates for office to be voted for at such election in such boroughs respectively, which were certified to such board by the secretary of state, or filed in the office of such board, and in the borough of Brooklyn the board of elections shall cause such publication to be made in the newspapers designated as corporation newspapers of said borough. Such publication shall contain the name and residence, and if in a city, the street number of the residence and place of business, if any, and the party or other designation of each candidate, and a facsimile of the emblems or devices selected and designated as prescribed by the fifty-sixth and fifty-seventh sections of this act, to represent and distinguish the candidates of the several political parties or independent bodies. The city clerk of each city except New York and Buffalo and the board of elections of the city of New York, and in the city of Buffalo, the commissioner of elections, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publications to be made as to candidates for offices to be filled at such city election in a like number of newspapers published in such city. One of such publications shall be made in a newspaper which advocates the principles of the political party that, at the

last preceding election for governor, cast the largest number of votes in the state for such office; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the next largest number of votes in the state for such office. The officer or board, in selecting the papers for such publications, shall select those which, according to the best information he can obtain, have a large circulation within such county or city. In making additional publications, the officer or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties. The officer or board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the county clerk or other officer find it impracticable to make the publication six days before election day in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election. (*Thus amended by chap. 95, Laws of 1901; chap. 74, Laws of 1904, and chap. 643, Laws of 1905.*)

§ 62. Lists for town clerks and aldermen.—The county clerk of each county, except the county of Erie and those counties which are wholly within the city of New York, and in the county of Erie the commissioner of elections, shall at least six days before election day, send to the town clerk of each town, and to an alderman of each ward in any city in the county, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, of all candidates whose certificates of nomination have been filed with him or been certified to him, and the party or other designation, and also a facsimile of the emblem or device of each political party, or independent body nominating candidates to be voted for by the electors of the respective towns and wards. Such lists shall, at least three days before the day of election be conspicuously posted by such town clerk or alderman in one or more public places in each election district of such town or ward, one of which shall be at each polling place. (*Thus amended by chap. 379, Laws of 1897, and chap. 643, Laws of 1905.*)

§ 63. Posting town and village nominations.—

Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with him for an election to be held at a time other than the day of the general election, to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election. (*Thus amended by chap. 643, Laws of 1905.*)

§ 64. Declination of nomination.—

The name of a person nominated for any office shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination, or if nominated by more than one political party, or independent body, the name of a person so nominated shall not be printed on the ticket of a party or independent body whose nomination he shall in like manner decline. If the declination be of a party nomination filed with the secretary of state, such notification shall be given at least twenty-five days, and if an independent nomination, at least twenty days before the election. If the declination be of a party nomination filed with a county clerk or the board of elections of the city of New York, or the commissioner of elections of the county of Erie, or with the city clerk of any city, such notification shall be given at least twenty days and if of an independent nomination at least eighteen days before the election. If the declination be of a party nomination filed with a town or village clerk, such notification shall be given at least ten days, and if of an independent nomination, at least seven days before the election. Except that a declination of nomination to a town office in towns where town meetings are held at the time of general elections must be filed in the office of the county clerk, and if in the county of Erie in the office of the commissioner of elections, within the time required by this section for filing the declination of nomination to a county office, and the county clerk or the said commissioner shall forthwith notify the town clerk in writing of such declination. The officer to whom such notification is given, shall forthwith inform by mail or otherwise, the committee, if any, appointed on the face of such certifi-

cate as permitted by sections fifty-six and fifty-seven of this act, and otherwise one or more persons whose names are attached to such certificate, that the nomination conferred by such certificate has been declined and if such declination be filed with the secretary of state, such officer shall also give immeditate notice by mail or otherwise, that such nomination has been declined, to the several county clerks or other officers, authorized by law to prepare official ballots for election districts affected by such declination. (*Thus amended by chap. 95, Laws of 1901; chap. 405, Laws of 1902, and chap. 643, Laws of 1905.*)

§ 65. Objections to certificates of nomination.— A written objection to any certificate of nomination may be filed with the officer with whom the original certificate of nomination is filed within three days after the filing of such certificate. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such certificate for the purposes specified in section sixty-six of this act, and also to each candidate placed in nomination by such certificate. The questions raised by such written objection shall be heard and determined as prescribed in section fifty-six of this act.

§ 66. Filling vacancies in nominations, and correction of certificates.— Subdivision 1. If a nomination is duly declined, or a candidate regularly nominated dies before election day, or is found to be disqualified to hold the office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate of nomination, as permitted by sections fifty-six and fifty-seven of this act, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy it shall not be lawful to select a new

emblem or device, but the emblem or device chosen to represent or distinguish the candidate nominated by the original certificate shall be used to represent and distinguish the candidate nominated, as provided by this section. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in a case provided for in subdivision two of this section, the said certificate shall be filed in the office in which the original certificate was filed, at least six days before election, if filed in the office of a town or village clerk; at least fifteen days before the election, if filed with the county clerk or the board of elections of the city of New York, or the commissioner of elections of the county of Erie, or the city clerk of any city; and at least fifteen days if filed with the secretary of state, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate is filed with the secretary of state, he shall, in certifying the nomination to the various county clerks and other officers, insert the name of the person who has been nominated as prescribed by this section, instead of that of the candidate nominated by the original certificate, or, if he has already sent forward his certificate, he shall forthwith certify to the proper clerks and other officers, the name of the person nominated as prescribed by this section, and such other facts as are required to be stated in a certificate filed pursuant to this section. When no nomination shall have been originally made by a political party, or by an independent body for an office, or where a vacancy shall exist, it shall not be lawful for any committee of such party or independent body authorized to make nominations, or to fill vacancies, to nominate or substitute the name of a candidate of another party or independent body for such office; it being the intention of this act that when a candidate of one party is nominated and placed on the ticket of another party or independent body, such nomination must be made at the time and in the manner provided for making original nominations by such party or independent body. (Thus amended by chap. 95, Laws of 1901, and chaps. 49 and 643, Laws of 1905.)

Chapter 49 inserted the words "or the attempt to nominate at a primary results in a tie vote," but this amendment was superseded by chapter 643.)

Subdivision 2. In case of the death of a candidate after the official ballots have been printed, and before election day, the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, and it then shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy, and the title of the office for which he was nominated. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type used in printing the titles of the offices and the names of the candidates upon the official ballots, and shall be of a size as large and no larger than the space occupied upon the official ballot by the title of the office and the name of the candidate in whose place the candidate named upon the paster has been nominated. If the candidate be one of a group of candidates, such official paster shall contain the name of the candidate but not the title of the office. Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political party or independent body making the nomination, and shall state the number of pasters furnished, which numbers shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall deliver the pasters to the ballot clerks, who are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be considered as being part of the official ballot. The ballot clerks shall in-

clude in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be enclosed in the package of ballots not delivered to voters. The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one nor more than five years.

ARTICLE IV.

Official and sample ballots, instruction cards and stationery.

SECTION 80. Official ballots for elections.

81. Form of general ballot.
82. Form of ballot for questions submitted.
83. Sample ballots, instruction cards and stationery.
84. Blank forms for election officers.
85. Number of official ballots.
86. Officers providing ballots and stationery.
87. Distribution of ballots and stationery.
88. Errors and omissions in ballots.
89. Unofficial ballots.

§ 80. Official ballots for elections.—Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election of school district officers or school officers of a city or village at which no other public officer is to be elected, and except an election of officers of a fire district outside of cities and incorporated villages, at which excepted elections any form of ballots which may be adopted and used by the meeting at which such election shall be had shall be legal. (*Thus amended by chap. 609, Laws of 1897.*)

§ 81. Form of general ballot.—There shall be provided at each polling place at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided in this act, together with the title of the office arranged in tickets under the titles of the respective political parties or independent bodies, as certified in the certificates of nomination. All ballots shall be printed in black ink on clear white, book paper, free from ground wood, five hundred sheets of which, twenty-five by thirty-eight inches in size, shall weigh sixty pounds, and which shall

test for that size and weight at least twenty points on a Morrison tester. Every such ballot printed in accordance with the provisions of this act, shall contain a party device for each political party represented on the ticket in accordance with the provisions of section fifty-six of this act. The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. The list of candidates of the several parties shall be printed in parallel columns, each column to be headed by the chosen device of such party, and the party name or other designation in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for governor at the last preceding general election for such officer, and so on. The number of such columns shall exceed by one the number of separate tickets of candidates to be voted for at the polling place for which the ballot is provided, except as otherwise provided in this section. The party name shall be printed in display, the name or designation of the office in brevier lower case, and the name of the candidate therefor in brevier capital type. The title of the office, together with the name of the candidate therefor shall be printed in a space one-half inch in depth, and at least two inches in width defined by light horizontal ruled lines, with a blank space on the left thereof, one-fourth of an inch wide, inclosed by heavier dark lines, which space (called the voting space) shall be of the same depth as the space containing the title of the office and the name of the candidate; provided, however, that when two or more persons are to be voted for, for the same office, for the same term, on the same party ticket, as for instance, presidential electors, the title of the office shall be printed in the first space only, which space shall be half an inch in depth and the several spaces in which only such candidates' names are printed, and the voting spaces to the left thereof, shall each be one-fourth of an inch in depth between the horizontal ruled lines. On the right of each ballot shall be a column in which shall be printed only the titles of the offices for which candidates may be voted for by the electors at the polling place for which the ballot is printed. Such column is designated as the "blank column," and in such column the voting spaces shall be omitted, but in all other respects such blank column shall be a duplicate of the political party columns upon such ballot. In the space of such column

above the heavy ruled line shall be printed in great primer Roman condensed capitals the words "blank column," and below such words shall be printed in brevier capital type the following: "The elector may write in the column below, under the title of the office, the name of any person whose name is not printed upon the ballot, for whom he desires to vote." At elections at which presidential electors are to be voted for, the names of the candidates for president and vice-president shall be placed on the ticket immediately below the name of the party making the nominations, and above the heavy ruled line preceding the names of the presidential electors, and shall be printed in type known as great primer Roman condensed capitals. The heading of each party ticket, including the name of the party, the device above, and the circle between the device and such name, shall be separated from the rest of the ticket by a heavy printed line, and the circle above the name of the party shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following, printed in heavy faced nonpareil type: "For a straight ticket, mark within this circle." Provided, however, that in the case of nominations provided for in section fifty-seven of this act, designated as "independent nominations," the ballot shall be so arranged that at the right of the last column for nominations designated in section fifty-six as "party nominations," the several tickets of the names of the candidates independently nominated shall be printed in one or more columns according to the space required, having above each of the tickets the political or other name selected to designate such independent nominations, and the circle and also the device or emblem to represent and distinguish the candidates of the several independent bodies making such nominations. The independent tickets occupying the same column shall be separated from each other by a solid black line one-eighth of an inch wide. At the top of the column, and above the first emblem in each of such columns for independent nominations, shall be printed in type known as great primer Roman condensed capitals the words "independent nominations." Each column upon the ballot shall be bordered on either side by a broad solid printed line one-eighth of an inch wide and the edge of the ballot on either side shall be trimmed off up to the border or solid line described. The ballots shall be so printed as to give each elector a clear oppor-

tunity to designate by a cross X mark in a large blank circle three-quarters of an inch in diameter, below the device, and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon, and by a cross X mark in a blank inclosed space, heretofore designated as the voting space, on the left of and before the name of each candidate, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub, and separated therefrom by a perforated line. The part above the perforated line designated as the stub shall extend the entire width of the ballot, and shall be of sufficient depth to allow the instructions to voters to be printed thereon, such depth to be not less than two inches from the perforated line to the top thereof. Upon the face of each stub shall be printed in type known as brevier capitals the following:

"This ballot should be marked in one of two ways with a pencil having black lead. To vote a straight ticket, make a cross X mark within the circle above one of the party columns. To vote a split ticket, that is, for candidates of different parties, the voter should make a cross X mark before the name of each candidate for whom he votes. If the ticket marked in the circle for a straight ticket does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted, by making a cross X mark before the names of candidates for such offices on another ticket, or, by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank column. Any other mark than the cross X mark used for the purpose of voting or any erasure made on this ballot, makes it void, and no vote can be counted hereon. If you tear, or deface, or wrongly mark this ballot, return it and obtain another."

On the back of the ballot, below the stub, and immediately at the left of the center of the ballot, shall be printed in great primer Roman condensed capitals the words: "Official ballot for," and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the officer who has caused the ballots to be printed. Ballots for town meetings not held at the same

time with a general election shall be indorsed "Town," and for village elections, "Village." On the back of the stub, and immediately above the center of the indorsement upon the back of the ballot, shall be printed the consecutive number of the ballot, beginning with "No. 1," and increasing in regular numerical order. All of the official ballots of the same sort prepared by any officer or board for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that when the stubs numbered as aforesaid shall be detached therefrom, it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort, and the names of all candidates printed upon the ballot, shall be in type of the same size and character. If two or more officers are to be elected to the same office for different terms, the terms for which each is nominated shall be printed upon the ballot as a part of the title of the office. If at a general election one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term to fill which such candidates are severally nominated. When no nomination has been made by a political party, as designated by section fifty-six, for an office to be filled at the election, the title of such office shall be printed in such party column, and underneath such title shall be printed in brevier capital type the words "No nomination." No ticket or list of candidates shall be printed, under the name of any political party or independent body which contains more candidates for any office than there are persons to be elected to such office.

For form of ballots where voting machines are adopted, see § 167.

For form of pasters for ballots, see § 66, sub. 2.

§ 82. Form of ballot for questions submitted.—

Whenever the adoption of a constitutional amendment or any other proposition or question is to be submitted to the vote of the electors of the state, or of any district thereof, a separate ballot shall be provided by the same officers who are charged by law with the duty of providing the official ballots for candidates for public office. Such ballots shall comply with the requirements of official ballots for candidates for public office, in so far as such requirements are applicable thereto. Under the perforated line shall be clearly printed, in brevier lower case type the question of the adoption of the constitutional amendment or other proposition

or question upon which the electors within the district for which such ballot is provided may lawfully vote. If there be more than one constitutional amendment or proposition or question to be submitted to the voters of that district, the different amendments or propositions or questions shall be separately numbered and printed, and separated by a broad solid line one-eighth of an inch wide. Opposite and before each such amendment, question or proposition, so submitted, shall be printed two squares inclosed in ruled lines, one above the other. Preceding the upper one of such squares shall be printed the word "Yes," and preceding the lower one of such squares shall be printed the word "No." At the top of each such ballots, immediately above the perforated line shall be printed in brevier capital type the following words only: "Notice to electors: For an affirmative vote upon any question submitted upon this ballot, make a cross X mark in the square after the word 'Yes.' For a negative vote, make a similar mark in the square following the word 'No'". All such ballots for the same polling place shall be of the same color and size, and similarly printed, so that, after the removal of the stub, which shall be numbered as in case of ballots for candidates for public office, it shall be impossible to identify or distinguish any one of such ballots from the others. On the back of each such ballot, below the stub, shall be printed in addition to the endorsement as prescribed for general ballots, the words "Questions submitted," so as to distinguish the said ballots from the official ballots for candidates for office. Ballots for the submission of town propositions and questions to be submitted at town meetings held on election day shall be printed in the manner provided by this section, but shall be endorsed "Town propositions submitted." All ballots for the submission of town propositions for raising or appropriating money for town purposes, or for incurring a town liability, to be voted at any town meeting in any town, shall be separate from all other ballots for the submission of other propositions or questions to the electors of such town to be voted at the same town meeting or election. Such ballots shall be in the form prescribed in this section and shall be endorsed "propositions for town appropriations." (Thus amended by chap. 598, Laws of 1901.)

§ 83. Sample ballots and stationery.— Sample ballots, equal in number to twenty-five per centum of the number of

official ballots provided therefor, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballot, and without numbers on the stubs, but shall, in all other respects, be precisely similar to the official ballots to be voted at that polling place. One of such sample ballots shall, at any time on the day of election, be furnished upon application to any elector entitled to vote at that polling place, and may be taken by him away from such polling place before receiving his official ballot or ballots. Twelve instruction cards, printed in English, and twelve printed in each of such other languages as the officer or officers charged with providing them shall deem necessary, shall also be provided for each such polling place, containing in clear, large type, full instructions for the guidance of electors in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and, in smaller sized type, a copy of each of the sections of the penal code relating to crimes against the elective franchise. There shall also be provided two poll-books, a suitable number of markers, designated as "distance markers," to indicate the distance of one hundred feet from the polling place, two tally sheets and three complete election return blanks for the use of inspectors and ballot clerks in the forms hereinafter provided, heavy manila envelopes for statements and returns, sealing wax, pencils having black lead only, pens, penholders, blotting paper and ink. All such articles herein enumerated are hereby designated as "stationery."

Manner of distribution of ballots and stationery provided for in § 87.

Sample ballots and stationery where voting machines are adopted, §§ 168, 169, 170, 171.

§ 84. Blank forms for election officers.— The officers charged with the duty of furnishing official ballots shall furnish to the board of inspectors of each election district, two tally sheet blanks, three ballot return sheet blanks, three election return sheet blanks, one of which shall be endorsed "original return," the other* "copies of the original return," three blanks for the report of assisted and challenged electors, which blanks shall be delivered to such board of inspectors as elsewhere provided.

Tally sheets.— The tally sheet blanks shall be printed as nearly as possible in the following form:

* So in original.

(Sample) Tally-Sheet of Ballots Cast.

Note.—These columns belong at the extreme right of the tally-sheet.

LIST OF OFFICES.	REPUBLICAN TICKET.		DEMOCRATIC TICKET.		Total number of votes cast and counted for each candidate on straight ballot.		Number of votes cast and counted for each candidate on split ballot.		Total number of votes cast and counted for each candidate on split ballot.		Total number of votes cast and counted for each candidate on split ballot.		Number of votes cast and counted for each candidate on straight ballot.		Total number of votes cast and counted for each candidate on split ballot.		Total number of votes cast and counted for each candidate on split ballot.			
	1	2	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
For Governor.....	LEVI P. MORTON.	290	XXXX	300	DAVID B. HILL...	140	XXXXXX	165	XXXX	140	XXXXXX	160	XXXX	145	XXXX	165	XXXX	140	XXXXXX	160
For Lieutenant-Governor ..	CHAS. T. SAXTON.	290	XXXXXX	300	WM. F. SHERMAN	140	XXXXXX	160	XXXX	140	XXXXXX	160	XXXX	145	XXXX	165	XXXX	140	XXXXXX	160
For County Clerk.....	JOHN DOE	290	XXXXXX	315	RICHARD ROE...	140	XXXX	165	XXXX	140	XXXXXX	160	XXXX	145	XXXX	165	XXXX	140	XXXXXX	160

Note.—A separate column must be provided for each ticket printed upon the ballot. Each office shall be separated by a ruled line running clear across the sheet, so that the names of all the candidates for the same office shall be upon the same line. By adding together the votes cast for all the candidates for a particular office, together with the number of ballots on which no vote was cast for that office, and the number of wholly blank and void ballots on which no vote was counted for any office, the sum should equal the total number of ballots voted. Unless it does, the count of the votes and the tally-sheet should be rechecked. Certain columns may be omitted where voting machines are adopted, see 1171.

Tally sheets.— The tally sheet blanks shall be as nearly as possible in the following form: At the extreme left of such sheet there shall be a column headed "List of offices," in which shall be printed the titles of all the offices printed upon the official ballot, and in the same order. Each office shall be separated by a heavy ruled line running the full width of such sheet. There shall be printed thereon, in separate columns under the name of the respective parties the tickets of all the parties as they appear on the official ballot, so that the names of all candidates for the same office shall be upon the same line. Opposite and to the right of each party or independent ticket or list of candidates, shall be a column headed "Number of votes cast, and counted for each candidate on straight ballots," in which column and opposite every name, shall be entered the number of straight party votes counted (which number is the same for every candidate of that party). To the right of such column there shall be another column headed, "Number of votes cast and counted for each candidate on split ballots," and in such column shall be entered by single marks, grouped into five marks, the votes canvassed for such candidates on the split ballots. To the right of such column shall be another column headed, "Total number of votes cast and counted for each candidate," in which shall be entered, opposite the name of each candidate, the total number of votes cast and counted for such candidate on both straight and split ballots. To the right of the last column for entering the total vote cast for candidates of any party, shall be a column headed, "Total number of ballots, not wholly blank, on which no vote was counted for the following offices," and in such column shall be entered opposite the titles of the respective offices, by single marks, the number of ballots on which no vote was cast for any candidate for such office. To the right of such column shall be another column headed, "Total number of wholly blank ballots," in which column shall be entered opposite the title of each office the number of ballots found to be wholly blank. To the right of such column shall be another column headed, "Total number of void ballots," in which column shall be entered opposite each title of each office the number of ballots which were rejected as void. At the extreme right of such sheet there shall be a column headed, "Total number of ballots accounted for," in which shall be entered op-

posite each office the sum of the total vote cast for all candidates for the office, together with the number of ballots not wholly blank, on which no vote was counted for that office, the total number of wholly blank, and the total number of void ballots, and the votes cast, if any, for candidates for such office whose names are not printed upon the ballot. Such sum must equal the number of ballots voted, as shown by the ballot clerks' return of ballots, and if it does not, there has been a mistake in the count, and the ballots must be recounted for such office. In case a person is voted for whose name is not printed on the ballot, the poll clerks, who shall keep the tally sheets, shall enter such name and the votes therefor on the tally sheet. The method of counting the votes shall be as provided in section one hundred and ten of the election law.

Sample.

Form of ballot return to be prepared by the ballot clerks, and attached to the original statement of canvass made by the inspectors and to each copy, in compliance with subdivision two of section one hundred and three of the election law:

1. The number of full sets of official ballots furnished to election district number (five) of the (town of Canandaigua), county of (Ontario), were.....	800
2. The number of sets of official ballots cancelled before delivery to voters by reason of one or more of the set being found defective in printing or mutilated, all of which were destroyed by us, were.....	5
3. The number of sets of official ballots spoiled and returned by voters, all of which were destroyed by us, were	10
4. The number of sets of official ballots returned to the county clerk or other officer, unused, were.....	300
5. The number of sets of official ballots actually voted were	485
c. Total sets of official ballots accounted for are.....	800

7. The number of sets of detached stubs were.....	500
8. The number of sets of stubs on unused ballots were...	300
9. The total sets of stubs accounted for are.....	800

We hereby certify that the foregoing ballot return for election district number (five) of the (town of Canandaigua), county of (Ontario), for the election held November (5th, 1895), is correct.

(Signed)

Ballot Clerks.

Sample.

Inspectors' returns and statement of canvass.—*Original* official statement of the result of a (general) election, held on the (fifth) day of November (1895), in the (fifth) election district of the (town of Canandaigua), county of (Ontario), state of New York, made by the inspectors of election in and for said district, which return is made as provided in section one hundred and eleven of the election law.

RETURN OF BALLOTS VOTED.

1. The whole number of general ballots actually voted, as verified by the return of the ballot clerks attached hereto were (four hundred and eighty-five)	485
2. The number of general ballots cast and found to be entirely blank, all of which were returned by us to the ballot box, were (five)	5
3. The number of general ballots cast which were rejected by us as "void" and on which no vote was counted for any candidate, all of which are in the sealed package returned herewith, and on each of which ballot is indorsed the reason for such rejection, were (ten).	10

4. The number of general ballots cast on which votes were counted for one or more candidates, all of which were returned to the ballot box (except those protested as being marked for identification), were (four hundred and seventy) 470

5. The total number of ballots accounted for by us are.. 485

We certify the foregoing statement of ballots voted is correct in all respects.

Dated, this (fifth) day of November, (1895).

Board of Inspectors.

**Statement and Return of the Votes for the Office of
(Governor).**

1. The number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy)	470
2. The number of ballots cast and counted on which there was no vote for the office of (governor) were (five).	5
3. The whole number of ballots on which votes were counted for the office of (governor) were (four hundred and sixty-five)	465
4. Of which (Levi P. Morton) received (three hundred).	300
5. (David B. Hill) received (one hundred and sixty-five).	165
Total	465

**Statement and Return of the Votes for the Office of
(Lieutenant-Governor).**

1. The whole number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy) 470

2. The number of ballots cast and counted on which there was no vote for the office of (lieutenant-governor) were (seven)	7
3. The whole number of ballots on which votes were counted for the office of (lieutenant-governor) were (four hundred and sixty-three)	463
4. Of which (Charles T. Saxton) received (three hundred and three)	303
5. (William F. Sheehan) received (one hundred and sixty)	160
Total	463

Statement and Return of the Votes for the Office of (County Clerk).

1. The whole number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy)	470
2. The number of ballots cast and counted on which there was no vote for the office of (county clerk) were (ten)	10
3. The whole number of ballots on which votes were counted for the office of (county clerk) were (four hundred and sixty)	460
4. Of which (John Doe) received (three hundred and fifteen)	315
5. (Richard Roe) received (one hundred and forty-five)	145
Total	460

The number of general ballots "protested as marked for identification" (all of which are in the sealed package returned herewith together with the void ballots) each of which have been

indorsed by us "protested as marked for identification," the mark or marking to which objection was made being specified upon the back of each such ballot, and all of which were counted for the several candidates voted thereon in the foregoing returns, were (three) 3

But such number does not include any ballot which was rejected by us as void. Such void ballots are included in our return as "void" ballots on which no vote for any candidate was counted and are marked upon the back thereof "void" and indorsed with the reason for so declaring them. They are in the sealed packages returned herewith together with the ballots "protested as being marked for identification."

We certify the foregoing statement is correct in all respects.

Dated this (fifth) day of November, 1895.

.....
.....
.....
.....

Board of Inspectors.

Note.—A similar certificate is to be made at the bottom of each sheet or half sheet of this return. If ballots are voted on any constitutional amendment or question or proposition submitted, a similar return is to be included. Two certified copies of this original statement and return are to be made.

Blank for the Report of Assisted and Challenged Electors.

Three blank statements in the following form shall also be furnished to each board of inspectors, which shall, at the close of the election, be filled by them, and one original statement shall be attached to the original return, and a copy thereof to each copy of the original return.

1. The names of persons who were challenged, and the challenge not withdrawn, were, in all, three....(3)
2. The name of persons who received assistance on account of physical disability, were....., in all, five....(5)

3. The name of persons who received assistance on account of being unable to write by reason of illiteracy, were....., in all, two.....(2)

We certify the foregoing statement is correct.

Dated this (fifth) day of November, 1895.

.....
.....
.....
.....
.....

Board of Inspectors.

§ 85. Number of official ballots.—The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, except a village election held at a different time from a general election, shall be one and one-half times as many ballots as near as may be as there were names of electors on the register of electors of such district for such election at the close of the fourth meeting for such registration. In cities of the first class the officer or board charged with the duty of furnishing official ballots shall furnish one and one-half times as many official ballots as near as may be of each kind to be provided for such election as there are electors entitled to vote thereat, as nearly as can be estimated by such officer or board. When but two days of registration are required there shall be a number equal to one and one-half times, as near as may be, the number of names upon the register at the close of the second meeting for registration. The number of official ballots of each kind to be provided for each polling place for a town meeting, held at any time or a village or city election held at a different time from a general election, shall be one and one-half times as near as may be the number of persons who will be entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots. (*Thus amended by chap. 381, Laws of 1900.*)

§ 86. Officers providing ballots and stationery.—

The clerk of each county, except the county of Erie and those counties the whole of which are within the city of New York, and in the county of Erie the commissioner of elections, shall provide the requisite number of official and sample ballots, cards of instruction, two poll books, distance markers, two tally sheets, inspectors' and

ballot clerks' return sheets (three of each kind, and one of each to be marked "original"), pens, penholders, ink, pencils having black lead, blotting paper, sealing wax and such other articles of stationery as may be necessary for the proper conduct of the election, and the canvass of the votes, for each election district in such county and not within the city of New York, for each election to be held thereat, except that when town meetings, city or village elections and elections for school officers are not held at the same time as a general election the clerk of such town, city or village respectively, except in the city of Buffalo, shall provide such official and sample ballots and stationery for such election or town meeting. If the town meeting is held on general election day ballots and sample ballots for town propositions shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time and such town clerk shall also furnish inspectors' and ballot clerks' return sheets for making returns on town propositions or questions. In towns in which town meetings are held at the time of the general election in an odd numbered year, the names of candidates for town offices shall be printed on the same ballots as the names of candidates for other offices voted for in such towns at such general elections. In towns in which town meetings are held on general election day in an even numbered year, the names of candidates for town officers shall be printed on separate ballots; such ballots and sample ballots for town officers shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time, and such town clerk shall also furnish inspectors' and ballot clerks' return sheets for making returns of votes cast for candidates for town offices at such an election, and the expense of furnishing such ballots, sample ballots and return sheets shall be a town charge. And the board of elections of the city of New York, and in the city of Buffalo the commissioner of elections, shall provide such articles for each election to be held in said city. Each officer or board charged with the duty of providing official ballots for any polling place, shall have sample ballots and official ballots provided, and in the possession of such officer or board, and open to public inspection as follows: The sample ballots five days before the election, and the official ballots four days before the election for which they are prepared unless prepared for a village election or town

meeting held at a different time from a general election, in which case the official ballot shall be so printed and in possession at least one day, and the sample ballots at least two days before such election or town meeting. During the times within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty of preparing the same, to deliver a sample ballot of the kind to be voted in his district to each qualified elector who shall apply therefor, so that each elector who may desire the same may obtain a sample ballot, similar except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote. (*Thus amended by chaps. 95 and 615, Laws of 1901; chap. 405, Laws of 1902; chap. 733, Laws of 1904, and chap. 643, Laws of 1905.*)

§ 87. Distribution of ballots and stationery.— The county clerk of each county, except the county of Erie and those counties which are wholly within the city of New York, shall deliver at his office to each town or city clerk in such county, except in New York city and in the city of Buffalo, on the Saturday before the election at which they may be voted, the official and sample ballots, cards of instructions and other stationery required to be provided for each polling place in such town or city for such election. It is hereby made the duty of each such town or city clerk to call at the office of such county clerk at such time and receive such ballots and stationery. In the cities of New York and Buffalo the board or officer required to provide such ballots and stationery shall cause them to be delivered to the board of inspectors of each election district at least one-half hour before the opening of the polls on each day of election. Each kind of official ballots shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof, beginning with number one. All official and sample ballots provided for such election shall be in separate sealed packages, clearly marked on the outside thereof with the number and kind of ballots contained therein and endorsed with the designation of the election district for which they were prepared. The instruction cards and other stationery provided for each election district shall also be enclosed in a sealed package or packages, with a label on the outside thereof showing the contents of each such package. Each such town and city clerk receiving such packages shall cause all such packages so received and marked

for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district one-half hour before the opening of the polls of such election therein. The inspectors of election receiving such packages shall give to such town or city clerk, or board, delivering such packages a receipt therefor specifying the number and kind of packages received by them, which receipt shall be filed in the office of such clerk or board. Town, city and village clerks required to provide the same for town meetings, city and village elections held at different times from a general election, and the board of the city of New York and in the city of Buffalo, the commissioner of elections, required to provide the same for elections held therein, respectively, shall in like manner, deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, sample ballots, instruction cards and other stationery, required for such election or town meeting, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner in their respective offices. (*Thus amended by chap. 379, Laws of 1897, and chap. 643, Laws of 1905.*)

§ 88. Errors and omissions in ballots.— Upon affidavit, presented by any elector, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected. The county clerk or such other officers or boards shall, upon their own motion, correct without delay any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors for use at such election.

§ 89. Unofficial ballots.— If the official ballots required to be furnished to any town or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board,

shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and upon the receipt of ballots so prepared from such clerk or board, accompanied by a statement under oath that the same have been so prepared and furnished by him or them, and that the official ballots have not been so delivered, or have been so lost, destroyed or stolen, the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

Similar provisions for use of unofficial ballots where not delivered at opening of polls or supply exhausted. See § 107.

Unofficial ballots when voting machines are adopted. See § 172.

ARTICLE V.

Conduct of Elections and Canvass of Votes.

SECTION 100. Opening the polls.

101. Persons within the guard-rail.
102. Watchers; challengers; electioneering.
103. General duties of election officers.
104. Delivery of ballots to electors.
105. Preparation of ballots by electors.
106. Manner of voting.
107. When unofficial ballots may be voted.
108. Challenge and oaths.
109. Time allowed employees to vote.
110. Method of canvass.
111. Original statement of canvass and certified copies.
112. Proclamation of result.
113. Delivery and filing of papers relating to the election.
114. Judicial investigation of ballots.

§ 100. Opening the polls.— The inspectors of election, poll clerks and ballot clerks of each election district shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required to be provided, and shall proceed to arrange the space within the guard rail and the furniture thereof, including the voting booths, for the orderly and legal conduct of the election. The inspectors of election shall then and there have the ballot boxes required by law for the reception of ballots to be voted thereat; the box for the reception of ballots found to be defective in printing or mutilated, before delivery to, and ballots spoiled and returned by electors; the box for the stubs of voted and spoiled ballots, the sealed packages of official ballots, sample

ballots and instruction cards and distance markers, poll books, tally-sheets, return sheets and other stationery required to be delivered to them for such election; and if it be an election at which registered electors only can vote, the register of such electors required to be made and kept therefor. The inspectors shall thereupon open the sealed packages of instruction cards and cause them to be 'posted' conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in or about the polling place; shall open the sealed packages of official ballots and sample ballots, and place them in charge of the ballot clerks, and shall place the poll books in charge of the poll clerks, and shall cause to be placed at a distance of one hundred feet from the polling place the visible markers designated herein as "distance markers," to prohibit "loitering or electioneering" within such distance. They shall also, before any ballots are cast, see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked. After such boxes are so relocked they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law shall not be taken down, torn or defaced during such election. The ballot clerks, with the official and sample ballots; the inspectors, with such boxes and register of electors, and the poll clerks, with their poll books, shall be stationed as near each other as practicable within such inclosed space. One of the inspectors shall then make proclamation that the polls of the election are open, and of the time o'clock in the afternoon when the polls will be closed.

Duties at opening of polls where ballot machines are adopted. See § 173.

Where voting machines are adopted the election officers should meet at least three-quarters of an hour before opening of polls. See § 173.

Polls to be opened at 6 a. m. and closed at 5 p. m. See § 3.

For arrangement of polling place. See § 17.

Statutory oath to be taken by election officers before opening of polls. See § 104, sub. 2.

Vacancies and absences to be supplied before opening of polls. See § 14.

One of the inspectors to be designated to receive the ballots from electors. See § 103.

§ 101. Persons within the guard-rail.— From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast thereat, and the signing of the official returns or statement of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting; provided, however, that candidates for public office voted for at such polling place may be present at the canvass of the votes.

§ 102. Watchers; challengers; electioneering.— Each political party or independent body duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town, or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. Such committee, chairman or secretary thereof for a city, county, town or village shall not appoint watchers for any polling place outside of such city, county, town or village, respectively. Such watchers may be present at such polling place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls of such election until after the announcement of the result of the canvass of the votes cast thereat, and the signing of the original statement of canvass and copies thereof by the inspectors. A reasonable number of challengers, at least one person of each such party or independent body, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. No person shall,

while the polls are open at any polling place, do any electioneering within such polling place, or within one hundred feet therefrom, in any public street, or in any building or room or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place during any day of registration or of the election.

Watchers allowed to examine ballot boxes before opening of polls. See § 100.

Ballots cast to be exhibited to watchers upon request. See § 110, sub. 3.

§ 103. General duties of election officers.— Subdivision 1. One of the inspectors of election at each polling place shall be designated by the board of inspectors of election to receive the ballots from the electors voting; or if the majority of the inspectors shall not agree in such designation, they shall draw lots for such position. If it be an election for which electors are required to be registered, the other inspectors shall before any ballots are delivered by the ballot clerks to an elector, ascertain whether he is duly registered. The ballot clerks shall not deliver any ballot to such elector until the inspectors announce that he is so registered. As each elector votes, the inspectors shall check his name upon such register and shall enter therein in the column provided therefor opposite the name of such elector, the consecutive number upon the stub of the ballot or set of ballots voted by him. The inspector shall forthwith upon detaching the stub from any official ballot deposit the same in the box provided for detached stubs. In all proceedings of the inspectors acting as registrars, inspectors or canvassers, they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide.

Subdivision 2. In addition to the duties hereinbefore enjoined upon them, the ballot clerks shall deliver official ballots to the electors in such order that the numerical order of the numbers printed on the stubs of the ballots so delivered, shall be the same as the order of the successive deliveries thereof, the ballot numbered one on the stubs being first delivered and so on. If, in addition to the general ballots there shall be a ballot containing a proposed constitutional amendment or other proposition or question, the ballots shall be delivered to the electors in such order that the numbers upon the stubs of both ballots so delivered

shall be the same. If, in a case where more than one ballot is to be voted, the elector shall spoil one of a set of ballots, and shall be entitled to receive a new set under the provisions of this act, he shall return the spoiled set to the ballot clerks before new ballots are furnished to him. In case one of a set of ballots bearing the same number shall be found defective in printing or mutilated before the same is given to the elector, both ballots of that number shall have the stubs removed therefrom by the ballot clerks and such ballots shall be deposited in the box for spoiled and mutilated ballots; and the stubs in the box for detached stubs, and a memorandum shall be made by the ballot clerks of the number on such ballots and the fact that the set was not delivered to electors because defective in printing or mutilated. The ballot clerks shall, upon the delivery of official ballots to each elector, announce the elector's name and the number printed on the stub of each ballot so delivered. Upon the return of a ballot or set of ballots to them unvoted by any elector, they shall announce the name of the elector returning them and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots and deposit such stubs in the box for detached stubs, and such ballots in the box for spoiled and mutilated ballots. A memorandum shall be made by them of the number on such ballots, and of the fact that they were returned spoiled by electors. They shall immediately upon the closing of the polls take from the box containing them the spoiled and mutilated ballots, and after comparing the number thereof with the record of the same, made during the day, shall destroy them; and shall thereupon prepare and sign a written statement or return of ballots in the form provided for in section eighty-four of the election law. The original statement so made by them shall be attached to the original statement of the canvass made by the board of inspectors and a copy thereof to each copy of such original statement of canvass. They shall inclose all unused ballots, and all detached stubs, in a sealed package, and deliver the same to the chairman of the board of inspectors.

No ballot clerks where voting machines are adopted. See § 181.

Subdivision 3. Each poll clerk at each polling place for which official ballots are required to be provided, shall have a poll-book

for keeping the list of electors voting or offering to vote thereat at the election. Such book shall have six columns headed respectively, "Number of elector," "Names of electors," "Residence of electors," "Number on ballots delivered to electors," "Number on ballots voted," and "Remarks." Upon each delivery of an official ballot or set of official ballots by the ballot clerks to an elector, each poll clerk shall enter upon his poll-book in the appropriate column, the number of the elector, in the successive order of the delivery of ballots thereto, the name of the elector, in the alphabetical order of the first letter of his surname, his residence by street and number, or if it have no street number, a brief description of the locality thereof, the printed number upon the stub of the ballots delivered to such elector, and the number on the ballots voted by him. If the ballot or set of ballots delivered to any elector shall be returned by him to the ballot clerk, and he shall obtain a new ballot or set of ballots, the poll clerks shall write opposite his name on the poll-books, in the proper column, the printed number on the stubs of such ballot or additional set of ballots. Each poll-clerk shall make memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted. As each elector offers his ballot or set of ballots which he intends to vote to the inspector, each poll clerk shall report to the inspectors whether the number entered on the poll-book kept by him as the number on the ballot or set of ballots last delivered to such elector, is the same as the number on the stub of the ballot or set of ballots so offered. As each elector votes, each poll clerk shall enter in the proper column on his poll-book the number on the stub of the ballots voted. Upon the close of the polls of the election, the poll clerks and inspectors shall compare the poll-books with the registers and correct any mistakes found therein. The poll clerks shall also during the canvass of the votes, as prescribed by section one hundred and ten of the election law, make and complete the tally sheets of the votes in the form provided by section eighty-four of the election law.

§ 104. Delivery of ballots to electors.— Subdivision

1. While the polls of the election are open, the electors entitled to vote and who have not previously voted thereat, may enter within the guard-rail at the polling place of such election for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many electors as there are voting booths thereat, in addition to the persons lawfully within such guard-rail for other purposes than voting. The elector shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the inspectors and give his name, and, if in a city or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number, a brief description of the locality thereof, and if required by the inspectors shall state whether he is over or under twenty-one years of age. One of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct tone of voice. No person shall be allowed to vote in any election district at any election where electors are required to be registered unless his name shall be upon the registration books of such election district. The right of any person to vote, whose name is on such register, shall be subject to challenge. If such elector is entitled to vote thereat, and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall then deliver to him one official ballot or a set of official ballots, folded by such ballot clerk in the proper manner for voting, which is: First, by bringing the bottom of the ballot up to the perforated line, and second by folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide. No person other than an inspector or ballot clerk shall deliver to any elector within such guard-rail any ballot, and they shall deliver only such ballots as the voter is legally entitled to vote, and also the sample ballot when the same is asked for.

Sample ballots to be delivered to elector upon application and may be taken away from polls before delivery of official ballots. See § 83.

Subdivision 2. Any elector who shall, at the time of registration, have made oath of physical disability or illiteracy, as prescribed by the third subdivision of section thirty-four of the election law; or, who, being duly registered, in an election district where personal registration by all electors is required, by law, shall state under oath, to the inspectors of election, on the day of election, that, by reason of some accident, the time and place of which he must specify, or of disease, the nature of which he must also specify, he has, since the day upon which he registered, lost the use of both hands, or become totally blind, or afflicted by such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, or so crippled that he cannot enter the voting booth and prepare his ballot without assistance; or any elector in an election district who is not required by law to personally register, who is unable to write by reason of illiteracy, or is physically disabled in one or more ways described in the third subdivision of section thirty-four of the election law, and who shall make the statement under oath to the inspectors in the form required in said subdivision, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him, to assist him in preparing his ballots. At any town meeting or village election, where the election officers are all of the same political faith, any elector entitled to assistance as herein provided may select one of such election officers and one elector of such town or village of opposite political faith from such election officer so selected, to render such assistance. Such election officers or persons assisting an elector shall not in any manner request or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, and shall not keep or make any memoranda or entry of any thing occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such elector, or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this act, and each election officer, before the opening of the polls for the election, shall make oath that he "will not in any manner request, or seek to persuade, or induce any elector to vote any particular ticket or for any particu-

lar candidate, and that he will not keep or make any memoranda or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any elector or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." The same oath shall be taken by any elector rendering such assistance, as provided for above, and any violation of this oath shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two nor more than ten years. No elector shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot, or divulge to anyone within the polling place the name of any candidate for whom he intends to vote or has voted.

§ 105. Preparation of ballots by electors.— On receiving his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone, unless he be one that is entitled to assistance in the preparation of his ballot to one of the voting booths, and without undue delay, unfold and mark his ballot as hereafter prescribed. No elector shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and electors waiting to occupy the same. It shall not be lawful to make any mark upon the official ballot other than the cross X mark made for the purpose of voting, with a pencil having black lead, and that only in the circles or in the voting spaces to the left of the names of candidates, or to write anything thereon other than the name or names of persons not printed upon the ballot for whom the elector desires to vote in the blank column under the proper title of the office with a pencil having black lead; nor shall it be lawful to deface or tear a ballot in any manner, nor to erase any printed device, figure, letter or word therefrom, nor to erase any name or mark written thereon by such elector. If an elector deface or tear a ballot or one of a set of ballots, or wrongly marks the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. The elector should observe the following rules in marking his ballot:

Rule 1. If the elector desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nominated, he should mark a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The elector can vote blank for any office by omitting to make a cross X mark in any circle, and making a cross X mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "Yes" or "No" which he desires to give on each such question submitted.

Rule 7. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark. (*Thus amended by chap. 335, Laws of 1898.*)

The proper manner of folding ballot for voting described in § 104, sub. 1.

§ 106. Manner of voting.— When the ballot or ballots which an elector has received shall be prepared as provided in section one hundred and five of this act, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot,

but show the indorsement and fac simile of the signature of the official on the back thereof, and, keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer the same to such inspector. Such inspector shall announce the name of the elector and the printed number on the stub of the official ballot so delivered to him in a loud and distinct tone of voice. If such elector be entitled then and there to vote, and be not challenged, or if challenged, and the challenge be decided in his favor, and if his ballot or ballots are properly folded, and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed number is the same as that entered on the poll-books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, and, after removing the stub or stubs therefrom, in plain view of the elector, and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots; and the stubs in the box for detached ballot stubs. Upon voting, the elector shall forthwith pass outside the guard-rail unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting. No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by sections eighty-nine and one hundred and seven of the election law, and none but ballots provided in accordance with the provisions of the election law shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the ballot clerks, and a violation of this provision is a misdemeanor. When a person shall have received an official ballot from the ballot clerks or inspectors, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiving such official ballot, he shall leave the space inclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting, or to receive any further ballots.

§ 107. When unofficial ballots may be voted.— If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

Provisions as to use and preparation of unofficial ballots, see § 89.

§ 108. Challenge.— Subdivision 1. A person may be challenged either when he applies to the ballot clerk for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector by an elector. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector, and every person whose right to register as an elector was challenged at the time of registration, providing such challenge has not previously been withdrawn. In the election districts within the metropolitan elections district whenever a person shall apply to the board of inspectors on election day to vote upon the name of a person whose right to register as an elector was challenged it shall be the duty of the chairman of the board of inspectors or some member of such board to administer to such applicant the preliminary oath prescribed herein and to read to such applicant each question upon the copy of the challenge affidavit signed at the time of registration by the person upon whose name the applicant desires to vote and the inspectors and watchers shall compare the answers given to such questions with the answers recorded thereto upon the copy of said challenge affidavit and shall carefully compare the description of the person challenged at the time of registration recorded upon the copy of the challenge affidavit with that of the applicant. If there shall be any material difference or conflict between the answers given by the applicant and the answers recorded upon the copy of the challenge affidavit to the questions printed thereon, or in the description of the person challenged and the applicant or, if the applicant shall refuse to answer any question put him or, shall refuse to make such oath his vote shall not be received and the facts thereof shall be recorded in each such case in the challenge record provided for

in subdivision three of this section. If any person other than those persons heretofore provided for, offering to vote at any election shall be challenged in relation to the right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualification as an elector. The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence, his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district, and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which may be put to him, his vote shall be rejected. After receiving the answers of the persons so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient. (Thus amended by chap. 544, Laws of 1901.)

Subdivision 2. **General oath.**— If the person so offering to vote, shall persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors shall then administer to him the following general oath: "You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election." If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered

or promised to contribute to another, to be paid, or used, any money, or other valuable thing, as a compensation or reward for the giving, or withholding, of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that you have not made, or become directly or indirectly, interested in any bet or wager depending upon the result of this election." If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen." If ~~any~~ person shall refuse to take either oath so tendered his vote shall be rejected, but if he shall take the oath or oaths tendered him, his vote shall be accepted.

Subdivision 3. Record of persons challenged.— The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, the inspectors shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election in such district.

§ 109. Time allowed employes to vote.— Any person entitled to vote at a general election held within this state, shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such elector shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the

usual salary or wages of such elector, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employes of municipalities.

§ 110. Canvass of votes. Subdivision 1. **Preparation for canvass.**— As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed. Any election officer who shall sign any original statement of canvass, or certified copies thereof, at any place other than the polling place, or at any time other than immediately after the canvass is completed, and any election officer or person who shall take from the polling place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed, the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby. When two ballot boxes are provided for the reception respectively of voted general ballots and question submitted ballots, the said ballot boxes shall be opened and the ballots therein canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question. The board of inspectors shall commence the canvass by comparing the two poll books with the registers used on election day as to the number of electors voting at the election, correcting any mistakes therein, and by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the number of ballots found in each box with the number shown by the poll books and the ballot clerks' statement to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and shall be thoroughly

mingled therein, and one of the inspectors, designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books, and ballot clerks' statement, to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at the polling place, no ballot properly indorsed, found in the wrong ballot box, shall be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such ballot shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' statement, to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of the election law relating to unofficial ballots. The chairman only of the board of inspectors shall unfold the ballots taken from the ballot box. (*Thus amended by chap. 335, Laws of 1898.*)

Subdivision 2. Intent of electors.— Rule No. 1. If the elector shall have made a voting mark in the circle above one ticket only, and no other voting mark appears on other ticket or tickets, and if no name shall have been written in the blank column, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates, only on the ticket so marked in the circle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting

mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column; and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, providing that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed on any ticket under the title of the office for which all are running, and the electors shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must

also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such office which are so individually marked on other tickets, or written in the blank column.

Rule No. 6. If the elector shall have made a voting mark in more than one circle at the head of the tickets, and if on either of such tickets there shall be one or more candidates for office for which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle his vote shall be counted for such candidate or candidates.

Rule No. 7. Subject to the foregoing rules if the elector marks more names than there are persons to be elected to an office, or if for any other reason, it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office.

Rule No. 8. In the case of a question submitted, if the elector shall have made a voting mark in the voting space after the printed word "Yes," his vote shall be deemed to be in favor of the adoption of the question submitted; if he shall have made a voting mark in the voting space following the printed word "No" his vote shall be deemed to be against the adoption of the question submitted.

Rule No. 9. A void ballot is a ballot upon which there shall be found any mark other than a single cross X mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in the circles or in the voting spaces to the left of the names of candidates; or one upon which anything is written other than the name or names of persons not printed upon the ballot, for whom the elector desires to vote, which must be written in the blank column under the proper title of the office with a pencil having black lead; or one which is defaced or torn by the elector; or upon which there shall be found any erasure of any printed device, figure, letter or word, or of any name or mark written thereon or upon a separate piece of paper or other material enclosed in such ballot by such elector, and upon such ballot no vote for any candidate thereon shall be counted. (Thus amended by chap. 654, Laws of 1901.)

Subdivision 3. **Method of counting.**—The method of counting shall be as follows: The straight ballots, that is, the ballots on which all the candidates on one party ticket and no others are voted for shall be separated from the split ballots and counted, and the number of straight party votes for each candidate shall be entered in gross opposite his name on each tally sheet by the poll clerk keeping the same. The chairman of the board shall then take the split ballots separately, and announce the vote for each candidate on each such ballot, in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same. As the votes on each split ballot are counted, such ballot shall be passed to the other inspectors for verification. The poll clerks shall then add together all the votes for each candidate and the ballots wholly blank and void, together with the ballots on which no votes were counted for any candidate for such office, and shall enter the sum thereof in the proper column on the tally sheet. As soon as the count is completed for each office, the poll clerk shall submit the result to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result. When a ballot is not void and an inspector of election or other election officer or duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot the words "objected to because marked for identification" and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them, as if not so objected to. If requested by any watcher the inspectors shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand. Any person who shall place upon any ballot taken from the ballot box any mark or marking, or who shall tear or deface such ballot with the intent of causing such ballot to be rejected as void, shall be guilty of a felony, and shall be punished upon conviction therefor by imprisonment in a state prison for a period not less than five nor more than ten years. *In cities of*

the first class the chairman of the board of inspectors shall, forthwith upon the completion of the count of votes, and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for office. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office. (*Whole section thus amended by chap. 335, Laws of 1898.*)

§ 111. Original statement of canvass and certified copies.— Upon the completion of the canvass, the board of inspectors of election shall make and sign an original statement thereof showing the kind of election, the date when held; the number of the election district; the town or ward, and the city and county in which it was held, on the first page or pages of which there shall be return of the ballots voted, following which there shall be a separate return for each office of the votes cast for each candidate therefor in the form prescribed for such returns and statement in section eighty-four of the election law. At the end of the last detailed statement of votes cast for candidates, they shall add a statement of the number of general ballots protested as "marked for identification," which ballots shall be endorsed by the inspectors "protested as marked for identification," specifying the mark or marking to which objection is made over their signatures, and all of which shall be counted for the several candidates voted for thereon. The inspectors shall also make as a part of their original statement a return of the number of void ballots rejected by them, and on such ballots no vote can be counted for any candidate. Each such ballot so declared void by the inspectors shall be indorsed upon the back thereof with the specific reason for such rejection. Such void ballots shall, together with the ballots which were protested as being marked for identification be secured in a separate sealed package, which shall be in-

dorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman of the board of inspectors with the original statement of the canvass. If ballots are voted on any constitutional amendment, proposition or question, a similar return of the ballots and votes cast thereon shall be made and included as a part of such original statement. Such inspectors shall, whenever unofficial ballots are voted, return all of such ballots in the package with the void and protested ballots. At the end of each return contained in such original statement of the canvass, and also at the bottom of each sheet, or half sheet thereof, the inspectors shall make and sign a certificate that the foregoing statement is correct. If any inspector, poll clerk or ballot clerk shall refuse to sign any return required of him by the election law he must state the grounds upon which such refusal is based upon such return over his signature. Unless such an election be an election of town, village or school officers, held at a different time from a general election, such inspectors shall forthwith and before adjourning and taking any recess make two certified copies of such original certified statement of the result of the canvass. Forthwith upon the completion of such original statement and of such certified copies thereof, and the proclamation of the result of the election as to each candidate, the ballots voted, except the void and protested ballots, shall be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced. Each such box shall be securely locked and sealed, and shall be deposited with the officer or board furnishing such boxes. They shall be preserved inviolate for six months after such election and may be opened and their contents examined upon the order of the supreme court or a justice thereof, or a county judge of such county, and at the expiration of such time the ballots may be disposed of in the discretion of the officer or board having charge of them.

For form of inspector's return and statement of vote, see § 84.

§ 112. Proclamation of result.— Upon the completion of such canvass and of the original statement and certified copies of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast

at such election at such polling place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the title of the office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. The original statement of canvass and the certified copies thereof shall be securely and separately sealed with sealing wax in an envelope properly indorsed on the outside thereof by the inspectors, and shall be kept inviolate by the officers or board with whom they are filed until delivered, together with the sealed packages of void and protested ballots, to the county or city board of canvassers.

§ 113. Delivery and filing of papers relating to the election.—Subdivision 1. If the election be other than an election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district, except in the city of New York and in the county of Erie, shall forthwith upon the completion of such certified original statement of the result, deliver one certified copy thereof to the supervisor of the town in which the election, if outside of a city, is situated, and if in a city, to one of the supervisors of said city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such certified copy shall be forthwith delivered to an assessor of such town or city. One certified copy of such original statement of the result of the canvass, the poll books of such election, and one of the tally sheets, shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the town clerk of such town, or the city clerk of such city, as the case may be. The original certified statement of the result of the canvass, with the original ballot return prepared by the ballot clerk, attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, and the sealed packages of detached stubs and unvoted ballots, and one of the tally sheets shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the

election district is situated. The register of electors and public copy thereof shall be filed as prescribed in section thirty-five of this act. (*Thus amended by chaps. 165 and 643, Laws of 1905.*)

Subdivision 2. In the city of New York the original statement of canvass and the sealed package of void and protested ballots shall be filed by the chairman of the board of inspectors within twenty-four hours after the completion of the canvass with the county clerk of the county within which the election district is located, together with one of the poll books and one of the tally sheets, properly certified by the poll clerks. One certified copy of such original statement, one poll book and one tally sheet shall be filed within such time with the board of elections and with the chief clerk of the branch office of the board of elections, as the case may be, in the borough within which the election district is located by an inspector designated by the board of inspectors for that duty, and the other certified copy of such original statement with the city clerk, by an inspector designated by the board of inspectors for that duty. In election districts in the city of New York, the boards of inspectors of election must, at the same time they make and sign the aforesaid original statement and certified copies thereof, make a certified copy of so much thereof as relates to any candidate for member of assembly, senator or representative in congress, voted for in said election district, and also in any part of any county not within the city of New York, and such certified copy must, within twenty-four hours after the completion of the canvass by the inspectors, be filed by the chairman of the board of inspectors, with the clerk of the county outside of the city of New York of which such officers or any of them are voted for at such election. The sealed packages of detached stubs, and ballots not used at the election shall, in the city of New York, be given by the inspectors to the police who shall return them to the bureau of elections of the borough within which the election district is located. All such packages of detached stubs and unused ballots shall be preserved inviolate in the office in which they are filed, for a period of six months from the time of filing thereof, and may be opened and examined upon the order of the supreme court or a justice thereof or a county judge within such county, or by a committee of the legislature, and at the expiration of such time may be disposed of in

the discretion of the officer or board having custody of the same. (*Thus amended by chap. 95, Laws of 1901.*)

Subdivision 3. In the election districts within the metropolitan elections district the certified copy of the original statement of canvass, the tally sheet and poll book required to be filed with the town or city clerk under subdivision one of this section and the certified copy of the original statement of canvass required to be filed with the city clerk of the city of New York, the poll book and tally sheet required to be filed with the superintendent of elections of such city and with the chief of the branch bureaus of elections within such city under subdivision two of this section, shall be forthwith filed by such officers in the office of the state superintendent of elections for the metropolitan elections district. (*Subdivision added by chap. 630, Laws of 1899.*)

Subdivision 4. In the county of Erie one certified copy of the statement of canvass and one tally sheet shall be filed forthwith by one inspector deputed for that purpose, with the clerk of the town or the clerk of the city of Buffalo, or the clerk of the city of Tonawanda, as the case may be, and one certified copy with the clerk of the county of Erie. The original statement of the result of the canvass, together with one tally sheet, the package of void and protested ballots and any and all other packages required by law to be filed by a board of election inspectors, not herein otherwise specified, shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of each board of inspectors with the commissioner of elections. All poll lists for the various election districts in the city of Buffalo shall be filed with the commissioner of elections and those for the city of Tonawanda with the clerk of such city, and those for the towns in Erie county with the town clerks thereof. (*Subdivision added by chap. 643, Laws of 1905.*)

§ 114. Judicial investigation of ballots.—If any certified original statement of the result of the canvass in an election district shall show that any of the ballots counted at an election therein were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election in such district, within twenty days thereafter, issue out of the supreme court to the board or body of canvassers,

if any, of the return of the inspectors of such election district, and otherwise to the inspectors of election making such statement requiring a recount of the votes on such ballots. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, the court shall order such ballot and the votes thereon to be excluded upon a recount of such votes. A like writ may in the same manner be issued to determine whether any ballot and the votes thereon which has been rejected by the inspectors as void, shall be counted. If in the proceedings upon such writ the court shall determine that the votes upon any such ballot rejected as void shall be counted, the court shall order such ballot and the votes thereon to be counted upon a recount of such votes. Boards of inspectors of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.

ARTICLE VI.

County and State Boards of Canvassers.

SECTION 130. Organization of county board of canvassers.

131. Production of original statements and copies thereof.
132. Correction of clerical errors in election district statements.
133. Correction in state or county board of canvassers' statements.
134. Proceeding of state board of canvassers upon corrected statement.
135. Statements of canvass by county boards.
136. Decisions of county boards as to persons elected.
137. Transmission of statements of county boards to secretary of state.
138. Organization and duties of board of canvassers of the city of New York.
139. Organization of state board of canvassers.
140. Canvass by state board.
141. Certificates of election.
142. Record in office of secretary of state of county officers elected.

§ 130. Organization of county board of canvassers.— The board of supervisors of each county shall be the county board of canvassers of such county. The county board of canvassers of the counties wholly or partly within the city of New York shall be the city board of canvassers of the city of New York within their respective counties. The county board of canvassers of a county containing a city of the second class shall be the city board of canvassers of such city. The county board of canvassers of the respective counties shall meet on the Tuesday next after each

mingled therein, and one of the inspectors, designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books, and ballot clerks' statement, to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at the polling place, no ballot properly indorsed, found in the wrong ballot box, shall be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such ballot shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' statement, to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of the election law relating to unofficial ballots. The chairman only of the board of inspectors shall unfold the ballots taken from the ballot box. (*Thus amended by chap. 335, Laws of 1898.*)

Subdivision 2. **Intent of electors.**—Rule No. 1. If the elector shall have made a voting mark in the circle above one ticket only, and no other voting mark appears on other ticket or tickets, and if no name shall have been written in the blank column, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates, only on the ticket so marked in the circle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting

mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column; and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, providing that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed on any ticket under the title of the office for which all are running, and the electors shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must

fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board, by writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and the statements and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statement has been a part of the original required by law. A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty.

§ 134. Proceeding of state board of canvassers upon corrected statements.— When a new or corrected statement or certificate, made by a board of county canvassers, under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or either of them, the county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section one hundred and thirty-seven of this act, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified statement received by him, and obtain from the governor and comptroller the certified statements received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy of statements has been received by him, appoint a meeting of the state canvassers to be held at his office, or the office of the state treasurer or comptroller, and the said

board of state canvassers shall, from such certified copies or statements, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or either of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statements in the manner provided by section one hundred and thirty-nine of this act. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or either of them, and the statement, certificate and declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former. The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any elector in the county from which such statement came, and upon proof by affidavit that the same has been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session. The state board of canvassers and the secretary of state shall respectively have the same powers, and discharge the same duties with reference to statements made under this section, that they have and are charged with under the provisions of section one hundred and thirty-nine, and one hundred and forty, of this act.

§ 135. Statements of canvass by county boards.—

Upon the completion by a county board of canvassers, of the canvass of votes of which original statements of canvass, or certified copies thereof, are by law required to be delivered to them, by the boards of officers with whom the same may have been filed by the inspectors of election, they shall make separate statements thereof as follows:

1. One statement of all such votes cast for each office of elector of president and vice-president of the United States.
2. One statement of all such votes cast for each state office.
3. One statement of all such votes cast for each office of representative in congress, except that the board of canvassers in the county of New York shall not make a statement of the votes cast in any election district in said county, for any candidate for the office of assemblyman, senator or representative in congress, the candidates for which were also voted for by electors in election districts in any county not within The City of New York.
4. One statement as to all such votes cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the electors of the state.
5. One statement as to all the votes cast for all and each of the candidates for each office of member of assembly for which the electors of such county or any portion thereof, except as provided in the paragraph numbered three in this section, were entitled to vote at such election.
6. One statement as to all the votes cast for each county office, and office of school commissioner, for which the electors of such county, or any portion thereof, were entitled to vote at such election, and to be canvassed by them.
7. One statement as to all the votes, if any, so cast upon any proposition or question upon which only the electors of such county were entitled to vote at such election.
8. In the counties wholly or partly within The City of New York, the respective county boards shall make a separate statement as to the votes, if any, so cast upon any proposition or question upon which only the electors of such city were entitled to vote at such election in such county or portion thereof. Each such statement shall set forth, in words written out at length, all such votes cast for all the candidates for each such office; and if any such office was to be filled at such election by the elect-

ers of a portion only of such county all the votes cast for all the candidates for each office in any such portion of the county, designating by its proper district number or other appropriate designation, the names of each such candidate and the number of votes so cast for each, the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question, and of all the votes so cast in favor of and against the same respectively. In the counties wholly or partly within The City of New York the respective county boards shall make a separate statement of the votes cast for all the city officers voted for by the electors of such city or any portion thereof, within such counties. If, upon such canvass, in any original statement or duly certified copy of an original statement of the result of the canvass of the votes of any election district in such county or city, there shall be included any ballot indorsed by the inspectors to the effect that it was objected to as marked for identification, the county and city boards of canvassers shall add to each statement in which the counting of any such ballot or any portion thereof is included, a statement of the whole number of ballots so indorsed and counted. If, upon such canvass, in any original statement or duly certified copy of an original statement of the result of the canvass of the votes of any election district there shall be included any ballot indorsed by the inspectors to the effect that it was rejected as void, the county and city boards of canvassers shall add to each statement, a statement of the whole number of ballots so indorsed. The statements required by this section shall each be certified as correct over the signatures of the members of the board, or a majority of them, and shall be filed and recorded in the office of the county clerk of such county. When the whole canvass shall be completed, the original statements of canvass and certified copies used thereat shall be filed in the office of the secretary of the board. The certified copies of such original statement of canvass not used at the canvass and the sealed packages of void and protested ballots shall be retained in the office in which or by the officer with whom they were filed. The sealed packages of void and protested ballots shall be retained inviolate in the office in which they are filed subject to the order and examination of a court of competent jurisdiction and may be destroyed at the end of

and to any county office; and on or before the fifteenth day of December in each year a certified tabulated statement of the official canvass of the votes cast in each such county by election districts at the last preceding general election. The secretary of state shall obtain from the governor and comptroller such certified copies so transmitted to them and file the same in his office. Upon the filing in the office of the county clerk of a county wholly or partly within the city of New York of a statement of the county board of canvassers as to the votes cast for candidates for a city office within such city such county clerk shall forthwith make a certified copy of each such statement and, within five days after the filing thereof in his office, deliver in a sealed envelope such certified copy to the board of elections of the city of New York; on or before the fifteenth day of December in any year in which there shall have been an election for a city office for which votes were cast in a county within the city of New York the county clerk thereof shall file with the city clerk of such city a certified copy of the official canvass of the votes cast in such county or portion thereof by election districts for such city office and such canvass by election districts shall, as soon as possible thereafter, be published in the City Record. (*Thus amended by chap. 95, Laws of 1901, and chap. 643, Laws of 1905.*)

§ 138. Organization and duties of board of canvassers of the city of New York.—The board of elections of the city of New York shall be the board of canvassers of the city of New York of the statements of the county board of canvassers of the counties within such city of the votes cast in such city or any portion thereof for a city office or upon any proposition or question upon which only electors of such city were entitled to vote. The members of the board of elections shall meet at the usual place for holding their regular meeting of such body on the first Monday in December succeeding a general election for a city office within such city and within thirty days after such special election and shall organize by selecting one of the members as chairman. The secretary of the board of elections of the city of New York shall be the secretary of such board or if he be unable to serve the board may appoint a chief clerk to be the secretary of such board. The secretary shall thereupon administer to the chairman the constitutional oath of office and the chairman shall administer such oath to the members of such board and the secretary

thereof. As soon as such board shall have organized the secretary shall deliver to such board the certified copies of the statements of the county boards of canvassers of each county wholly or partly within such city of the votes cast for candidates for city office within such city and upon any proposition or question, if any submitted, to the electors of such city only and the said board shall proceed to canvass such statements. If a certified copy of any statement of any county board required to be delivered in said board shall not be delivered prior to the meeting and organization of said board, it may adjourn such meeting from day to day not exceeding a term of five days and it shall be the duty of the secretary to procure from the county clerk of such county the required certified copy of such statement. Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, and attested by the secretary, of the whole number of votes cast for all the candidates for each office shown by such certified statements to have been voted for and of the whole number of votes cast for each of such candidates, indicating the number of votes cast in each county for them, and if the voters of not more than one county or portion of such county were entitled to vote for such candidates, the name and portion of such county and the name of each candidate, and the determination of the board of the persons thereby elected to such office by the greatest number of votes. The said board shall also make a separate similar tabulated statement of the votes cast upon any proposition or question submitted at the election to the electors of such city only and shall include a determination as to whether such proposition or question by the greatest number of votes has been adopted or rejected. Each such statement and determination shall be filed and recorded in the office of the board of elections, and the said board shall cause the publication of the same in at least two newspapers within each borough of such city and in the City Record. Upon the filing in the office of the board of elections of such statements and determination the president of the board of elections shall issue and transmit by mail or otherwise a certificate of election to each person shown thereby to be elected, such certificate to be countersigned by the members of the board of elections of the city of New York under the seal of The City of New York. (Thus amended by chap. 95, Laws of 1901.)

§ 139. Organization of state board of canvassers.—

The secretary of state, attorney-general, comptroller, state engineer and surveyor, and treasurer, shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and they shall forthwith attend accordingly, and shall, with the other such officers attending, constitute such board. The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statements of boards of county canvassers of such election. He shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days.

§ 140. Canvass by state board.— Such board shall at such meeting proceed to canvass the certified copies of the statements of the county board of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be irregular, and shall protest against the same, he shall state such dissent or protest in writing signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office. Upon the completion of such canvass, such board shall make separate tabulated statements signed by the members of such board, or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, and of the whole number of votes cast for each of such candidates, indicating the number of votes cast in each county therefor, and if the voters of not more than one district of the state were entitled to vote for such candidates therefor, the name and number of such district, and the name of each candidate and the determination of the board of the persons thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown

by such copies to have been voted upon, the whole number of votes cast in favor of and against each, respectively, and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest, shall be delivered to the secretary of state, and recorded in his office.

§ 141. Certificates of election.— The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to votes cast for candidates for any office, to the person shown thereby to have been elected thereto. He shall prepare a general certificate, under the seal of this state, and attested by him as secretary thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of a due election of the person so chosen at each election a representative of this state in congress; and shall transmit the same to the house of representatives at their first meeting. If either of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him.

§ 142. Record in office of secretary of state of county officers elected.— The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected, and their places of residence, the offices to which they were respectively elected, and the terms of office.

ARTICLE VII.*

Voting Machines.

SECTION 160. State voting machine commissioners.

161. Examination of voting machine.
162. Requirements of voting machine.
163. Adoption of voting machine.
164. Experimental use of voting machine.
165. Providing machines.
166. Payment for machines.
167. Form of ballots.
168. Sample ballots.
169. Number of official ballots.

*Article added by chap. 466, Laws of 1899.

SECTION 170. Distribution of ballots and stationery.
171. Tally sheets.
172. Unofficial ballots.
173. Opening the polls; independent ballots.
174. Location of machines; guard rail.
175. Manner of voting.
176. Instructing voter.
177. Disabled voters.
178. Canvass of vote and proclamation of result.
179. Disposition of independent ballots; and preserving the record of the machine.
180. Application of other articles and penal code.
181. When ballot clerks not to be elected.
182. Number of voters in election district.
183. Definitions.
184. Repeal of laws.

Section 160. State voting machine commissioners.—

The commissioners appointed under chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven are continued in office until and including December thirty-first nineteen hundred and two, and shall be known as voting machine commissioners. Their successors shall be appointed for a full term of five years. Vacancies shall be filled by the governor for the remainder of the unexpired term, and all terms shall expire on the thirty-first day of December. Any commissioner now in office or hereafter appointed may be removed at the pleasure of the governor. No voting machine commissioner shall have any pecuniary interest in any voting machine. There shall be three such commissioners, who shall constitute a board to be known as the state board of voting machine commissioners. One of such commissioners shall be an expert in patent law and two shall be mechanical experts.

§ 161. Examination of voting machines.— Any person or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its accuracy, efficiency and capacity to register the will of voters. The commissioners shall examine the machine and report accordingly. Their report shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this article. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any

improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or reapproval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law, and its use specifically authorized by law, cannot be used at any election. Each commissioner is entitled to one hundred and fifty dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. (*Thus amended by chap. 530, Laws of 1901.*)

§ 162. Requirements of voting machine.—A voting machine approved by the state board of voting machine commissioners may be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations. It must be provided with a single straight ticket device for each of said parties, by the use of which a voter may vote for all the candidates of that party, and must permit a voter to vote for any person for any office whether or not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy. Such machine shall also be so constructed that a voter cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote. It must also be so constructed as to prohibit voting for more than one person for the same office, except where a voter is lawfully entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for as many persons for that office as he is by law entitled to vote for and no more, at the same time prohibiting his voting for the same person twice. It must be provided with a lock or locks, by the use of which immediately after the polls are closed or the operation of such machine for such election is completed any movement of the voting or registering mechanism is absolutely prohibited. It may also be provided with one ballot in each party column or row containing only the words "presidential electors" preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors, and shall be counted as such. (*Thus amended by chap. 530, Laws of 1901.*)

§ 163. Adoption of voting machine.—The board of elections of the city of New York, the common council of any other

city, the town board of any town, or the board of trustees of any village may adopt for use at elections any kind of voting machine approved by the state board of voting machine commissioners, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in such city, town or village, or in any part thereof, for voting, registering and counting votes cast at such elections. Different voting machines may be adopted for different districts in the same city, town or village. (*Thus amended by chap. 530, Laws of 1901.*)

§ 164. Experimental use of voting machine.— The authorities of a city, town or village authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more districts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted.

§ 165. Providing machines.— The local authorities adopting a voting machine shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall thereafter preserve and keep them in repair, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the city, town or village as the officers adopting the same may direct.

§ 166. Payment for machines.— The local authorities, on the adoption and purchase of a voting machine, may provide for the payment therefor in such manner as they may deem for the best interest of the locality and may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

§ 167. Form of ballots.— All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in plain, clear type as the space will reasonably permit. The party device for each political party represented on the machine, which has been duly adopted by such party in accordance with this chapter, and the party name or other designation shall be prefixed to the list of candidates of such party. Each party list may be further distinguished by a stripe of color below the party device, which shall be adopted in the same manner as the party emblems. The order of the list of candidates of the several parties or organizations shall be arranged as provided by this chapter for blanket ballots, except that the lists may be arranged in horizontal rows or vertical columns. Where two or more persons are to be elected to the same office and any candidate for such office shall have been nominated more than once, the name of such candidate shall be printed upon the same numbered office row or column, or in such other manner as may be necessary to conform to the arrangement of the machine in use. (*Thus amended by chap. 654, Laws of 1907.*)

§ 168. Sample ballots.— The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballots are arranged for voting on election day. Such sample ballots shall be opened to public inspection at such polling place during the day next preceding election day. (*Thus amended by chap. 530, Laws of 1901.*)

§ 169. Number of official ballots.— Four sets of ballots shall be provided for each polling place for each election for use in the voting machine.

§ 170. Distribution of ballots and stationery.— The ballots and stationery shall be delivered to the board of inspectors of each election district before ten o'clock in the forenoon of the day next preceding the election.

§ 171. Tally sheets.— Columns numbered two and three and the four columns at the right of the tally sheet prescribed by section eighty-four may be omitted in the printed blank tally

sheets furnished for polling places at which a voting machine is used. The blank tally sheets and return shall in other respects conform substantially to the requirements of this chapter.

§ 172. Unofficial ballots.— If the official ballots for an election district at which a voting machine is to be used, required to be furnished by or to any town, or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, or the election inspectors of such district, shall cause other ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable, and the inspectors shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

§ 173. Opening the polls; independent ballots.— The inspectors of election and poll clerks of each district shall meet at the polling place therein, at least three quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the registry of such electors required to be made and kept therefor. The inspectors shall thereupon cause at least two instruction cards, and if printed in different languages, at least two of each language to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. If not previously done, they shall place all the counters on each voting machine so as to register zero, and shall not permit such counters to be thereafter operated, except by electors in voting. Before the polls are open for election, each inspector shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as

independent ballots. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all independent ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear. In voting for presidential electors, an elector may vote an independent ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such independent ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. With these exceptions, no independent ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any independent ballot so voted shall not be counted. An independent ballot must be cast in its appropriate place on the machine, or it shall be void and not counted. (*Thus amended by chap. 530, Laws of 1901.*)

§ 174. Location of machines; guard-rail.—The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and watchers. The voting machine shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard-rail, and at least four feet from the poll clerk's table. A guard-rail shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine.

§ 175. Manner of voting.—After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they ascertain that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard-rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave it

after the lapse of one minute, he shall be removed by the inspectors.

§ 176. Instructing voter.—In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two inspectors of opposite political parties shall give such instruction to him; but no inspector or other election officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

§ 177. The provisions of subdivision three of section thirty-four, and of subdivision two of section one hundred and four of the election law, shall apply also when ballot machines are used, and the word "booth" when used in such sections, shall be interpreted to include the ballot machine enclosure or curtain.

§ 178. Canvass of vote and proclamation of result.—As soon as the polls of the election are closed, the inspectors of election thereat shall immediately lock the voting machine against voting, and open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. Where the counters of a candidate, who has been nominated more than once for an office to which two or more persons are to be elected, are coupled for simultaneous action so that the vote counted by any one of the counters of such candidate will also be counted by the other counters of such candidate, the record of the vote on but one of such counters shall be taken, and the record of the vote on the other counters shall not be taken but shall be entered as "000." The counters of a candidate who has been nominated more than once for an office to which but one

person is to be elected shall not be coupled for simultaneous action and the record of the vote on each counter of such candidate shall be taken and added together. As soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record it and submit their records to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result of the vote for such office, or on such amendment, proposition or other question. (*Thus amended by chap. 654, Laws of 1907.*)

§ 179. Disposition of independent ballots, and preserving the record of the machine.— The inspectors of election shall, as soon as the count is completed and fully ascertained as in this act required, lock the machine against voting, and it shall so remain for the period of thirty days, except by the order of a court of competent jurisdiction. Whenever independent ballots have been voted, the inspectors shall return all of such ballots in a properly secured sealed package endorsed "independent ballots", and file such package with the original statement of canvass. It shall be preserved for six months after such election, and may be opened and its contents examined only upon order of the supreme court or a justice thereof, or a county judge of such county, and at the expiration of such time, such ballots may be disposed of in the discretion of the officer or board having charge of them. (*Thus amended by chap. 530, Laws of 1901.*)

§ 180. Application of other articles and penal code.— The provisions of the other articles of this chapter apply as far as practicable to voting by voting machines, except as herein provided. The provisions of the penal code and of this chapter relating to misconduct at elections shall apply to elections with voting machines.

§ 181. When ballot clerks not to be elected.— Ballot clerks shall not be elected or appointed for any district for which a voting machine shall have been adopted, and which will be supplied and ready for use at the next election to be held therein.

§ 182. Number of voters in election districts.— For any election in any city, town or village in which voting machines are to be used, the election districts in which such machines are to

be used may be created by the officers charged with the duty of creating election districts, so as to contain as near as may be six hundred voters each. Such re-districting or re-division may be made at any time after any November election and on or before August fifteenth following, and when so made shall take effect immediately. Where such re-districting or re-division shall be made in any town, the board making the same shall, on or before September first following, appoint from the inspectors of election then in office (if sufficient therefor are then in office, and, if not, from persons not in office, sufficient to make up the requisite number) four inspectors of election for each election district thus created, two of whom shall belong to and be of the same political faith and opinion on state and national issues as one of the two political parties which at the last preceding general election for state officers shall have cast the greatest number of votes in said town, and the other two of whom shall belong to and be of the same political faith and opinion on state and national issues as the other of said two political parties. Thereafter no redivision of such election districts shall be made for elections by such machines until at some general election the number of votes cast in one or more of such districts shall exceed seven hundred. But the town board of a town in which such machines are used may alter the boundaries of the election districts at any time after a general election and on or before August fifteenth following, provided that the number of such election districts in such town shall not be increased or reduced, and the number of votes to be cast in any district whose boundaries are so altered shall not exceed seven hundred. (*Thus amended by chap. 530, Laws of 1901, and chap. 122, Laws of 1903.*)

§ 182-a. Number of voters in towns in certain counties.—In any county of this state having a population of not more than fifty-one thousand five hundred and not less than forty-eight thousand six hundred inhabitants, as shown by the last state enumeration, the town board, or other body charged with that duty, in towns in which voting machines are used, may, if the number of votes cast at the last general election exceeded five hundred in any election district and, if in the opinion of such board or body the convenience of the electors will be promoted thereby, proceed to redistrict such town and may erect

an additional election district therein. Such redistricting or redivision shall be made on or before August first, nineteen hundred and six, and shall take effect immediately, and each of the election districts of such town when redistricted shall contain, as nearly as may be, having due regard for the convenience of the electors, the same number of voters. The board or body making such redivision shall on or before September first following such redivision appoint from the inspectors of election then in office, if a sufficient number therefor are then in office, and if not, from persons not in office, four inspectors of election for the district so created, two of whom shall be of the same political faith as the political party casting the greatest number of votes at the last general state election and the other two of whom shall be of the same political faith as the party casting the next highest vote at such election. (*Added by chap. 331, Laws of 1906.*)

§ 183. Definitions.— The list of candidates used or to be used on the front of the voting machine shall be deemed official ballots under this chapter for an election district in which a voting machine is used pursuant to law. The word "ballot" as used in this article, (except when reference is made to independent ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate for office, or a statement of a proposed constitutional amendment, or other question or proposition with the word "for" or the word "against".

§ 184. Repeal of laws.— Section forty of the town law as added by chapter eighty-two of the laws of eighteen hundred and ninety-three and renumbered by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, chapter seven hundred and sixty-four of the laws of eighteen hundred and ninety-four, chapter seven hundred and sixty-five of the laws of eighteen hundred and ninety-four, chapter three hundred and thirty-nine of the laws of eighteen hundred and ninety-six, chapter four hundred and forty-nine of the laws of eighteen hundred and ninety-seven, chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven, and chapter one hundred and sixty-eight of the laws of eighteen hundred and ninety-eight, and

all acts amendatory of such acts, are hereby repealed; but such repeal shall not be deemed to prohibit the adoption or use of any voting machine at any election within any town, city or village that has adopted the same prior to the passage of this act, but the method of conducting an election therewith shall be in the manner prescribed by this chapter.

ARTICLE VIII.*

Electors of President and Vice-President, and Representatives in Congress.

SECTION 190. Representatives in congress.

- 191. Electors of president and vice-president.
- 192. Meeting and organization of electoral college.
- 193. Secretary of state to furnish list of electors.
- 194. Vote of the electors.
- 195. Appointment of messenger.
- 196. Other lists to be furnished.
- 197. Compensation of electors.
- 198. Laws repealed.

Section 190. Representatives in congress.— Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year eighteen hundred and ninety-six and every second year thereafter. If any such representative shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state, and if a vacancy shall occur in any such office, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice thereof to the secretary of state.

Special election, when to be held to fill vacancy. See § 3.

§ 191. Electors of president and vice-president.

At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors.

§ 192. Meeting and organization of the electoral college.— The electors of president and vice-president shall con-

* Number of articles changed and sections renumbered by chap. 466, Laws of 1899.

vene at the capitol on the second Monday in January next following their election, and those of them who shall be assembled at twelve o'clock, noon, of that day, shall immediately at that hour fill, by ballot, and by plurality of votes, all vacancies in the electoral college occasioned by death, refusal to serve or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body.

§ 193. Secretary of state to furnish lists of electors.

— The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state, of the number of votes given for each person for whose election any and all votes were given, together with the certificate of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state, and deliver the same thus signed and sealed to the president of the college of electors on the second Monday in January.

§ 194. Vote of the electors.— Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein.

§ 195. Appointment of messenger.— The electors shall then, by a writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the list so sealed up, and to deliver the same to the president of the senate, at the seat of government of the United States, before the third Monday in the said month of January. In case there shall be no president of the senate at the seat of government, on the arrival of

the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States.

§ 196. Other lists to be furnished.— The electors shall also forward forthwith, by the postoffice in the city of Albany, to the president of the senate of the United States at the seat of government, and deliver forthwith to the judge of the United States court for the northern district of the state of New York, similar lists signed, annexed, sealed up and certified in the manner aforesaid.

§ 197. Compensation of electors.— Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile each way, from his place of residence, by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.

§ 198. Laws repealed.— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

SCHEDULE OF LAWS TO BE REPEALED BY THE ELECTION LAW.

Laws of	Chapter.	Sections.
1842.....	130.....	All.
1844.....	331.....	All.
1847.....	240.....	All.
1854.....	286.....	All.
1855.....	513.....	All.
1856.....	79.....	All.
1860.....	480.....	All.
1870.....	134.....	All.
1870.....	388.....	All.
1871.....	712.....	All.

Laws of	Chapter.	Sections.
1875.....	138.....	All.
1876.....	287.....	All.
1877.....	322.....	All.
1878.....	354.....	All.
1880.....	56.....	All.
1880.....	366.....	All.
1880.....	437.....	All.
1880.....	460.....	All.
1880.....	553.....	All.
1881.....	137.....	All.
1881.....	163.....	All.
1882.....	154.....	All.
1882.....	366.....	All.
1882.....	410.....	1839 to 1844 inclusive, 1846, 1847 and 1848; 1850 to 1861 inclusive, 1864 to 1866 inclusive, and 1868 to 1929 inclusive, and 1931.
1883.....	380.....	All.
1883.....	422.....	All.
1885.....	446.....	All.
1887.....	265.....	All.
1888.....	583.....	For sections repealed in title XX, as amended, see chapter 236, Laws 1891, in this schedule.
1889.....	1.....	All.
1890.....	117.....	All.
1890.....	169.....	All.
1890.....	262.....	All.
1890.....	321.....	All.
1890.....	355.....	All.
1891.....	7.....	All.

Laws of	Chapter.	Sections.
1891.....	236.....	Sections 3 to 25 inclusive, all after the word "board" in the last line of section 26, and sections 27 to 32 inclusive, of title XX of chapter 583, Laws of 1888, as amended by chapter 236, Laws 1891.
1891.....	296.....	All.
1891.....	336.....	All.
1892.....	680.....	All.
1893.....	233.....	All.
1893.....	274.....	All.
1893.....	370.....	All.
1894.....	61.....	All.
1894.....	275.....	All.
1894.....	302.....	All.
1894.....	348.....	2, 3, 4, 5 and 6.
1895.....	810.....	All.
1895.....	909.....	All.
1895.....	991.....	All.
1895.....	992.....	All.
1895.....	993.....	All.
1895.....	1034.....	All.

ARTICLE IX.*

Contributions to and Expenditures of Campaign Funds.

SECTION 200. Political committee.

201. Statements.
202. Expenses of candidates.
203. Treasurer of political committee.
204. Account of receipts and expenditures.
205. Vouchers.
206. Statement of treasurer of political committee.
207. Payments to political committee.
208. Filing and preservation of statements.
209. Forms for statements.

* Article added by chap. 502, Laws of 1906.

SECTION 210. Failure to file statement or account.

- 211. Application for order to file statement.
- 212. Undertaking.
- 213. Filing petition for order.
- 214. Inquest by court.
- 215. Investigation of charges a preferred proceeding.
- 216. Appeals.
- 217. Subpoenas for witnesses.
- 218. Privileges of witnesses.
- 219. Attendance and examination of witnesses.
- 220. Judgment.
- 221. Application of this article.

The title to this article, the schedule of sections and the titles of the sections are inserted for convenience of reference and are not included in the original act.

Section 200. Political committee.— The term “political committee,” under the provisions of this article, shall apply to every committee or combination of three or more persons cooperating to aid or to promote the success or defeat of a political party or principle, or of any proposition submitted to vote at a public election or to aid or take part in the election or defeat of a candidate for public office, but nothing in this article contained shall apply to or in respect of any committee or organization for the discussion or advancement of political questions or principles without connection with any election.

§ 201. Statements.— Any person, including a candidate, who to promote the success or defeat of a political party, or to aid or influence the election or defeat of a candidate or candidates for public office, directly or indirectly, himself or through another person, shall give, pay, expend or contribute, or shall promise to give, pay, expend or contribute, any money or other valuable thing except to the chairman, treasurer or a member of a political committee, or to an agent duly authorized thereto in writing by such committee, or to a candidate or an agent of such candidate authorized by the candidate thereto in writing, or except for personal expenses as hereinafter provided, shall file the statement required by section two hundred and six, and shall be subject to all the duties by this chapter required of a political committee or the treasurer thereof. (*Thus amended by chap. 596, Laws of 1907.*)

§ 202. Expenses of candidates. A candidate for election to a public office, and any other person, may incur and pay, in connection with such election, his own personal expenses for travel-

ing and for purposes properly incidental to traveling; for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he may state his position or views upon public or other questions; for stationery and postage, for telegraph, telephone and other public messenger service; but all such expenses shall be limited to those which are directly incurred and paid by him. A candidate shall in any event file a statement of any contributions made by him. (*Thus amended by chap. 596, Laws of 1907.*)

§ 203. Treasurer of political committee.— Every political committee shall have a treasurer, and shall cause him to keep detailed accounts of all money or its equivalent, received by or promised to and of all expenditures, disbursements and promises of payment or distribution made by the committee or any of its officers or members or by any person acting under its authority or in its behalf. No member thereof or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or disburse the same until the committee shall have chosen a treasurer. There shall be filed in the office of the secretary of state within five days after the choice of a treasurer a statement signed by at least three members of such committee giving the name and address of the treasurer chosen. (*Thus amended by chap. 596, Laws of 1907.*)

§ 204. Account of receipts and expenditures.— Whoever, acting as an officer or member or under the authority of a political committee, or under the authority of a candidate for public office, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, within three days after demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer of such committee, or to such candidate if an agent authorized by him, a detailed account of the same, with all vouchers required by this article, which shall be a part of the accounts and files of such treasurer or such candidate.

§ 205. Vouchers.— Every payment required to be accounted for shall, unless the total expense payable to any one person be not in excess of five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or

account hereby required, shall be preserved for fifteen months after the election to which it relates. (*Thus amended by chap. 596, Laws of 1907.*)

§ 206. Statement of treasurer of political committee.— The treasurer of every political committee, which, or any officer, member or agent of which, in connection with any election receives, expends or disburses any money or its equivalent or incurs any liability to pay money or its equivalent shall, within twenty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer, member and other person in its behalf. In each case it shall include the amount received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement exceeding five dollars, the name of the person or committee to whom it was made, and the date thereof; and unless such expenditure or disbursement shall have been made to another political committee, it shall state clearly the purpose of such expenditure or disbursement. The statement to be filed by a candidate or other person not a treasurer shall be in like form as that hereinbefore provided for, but in statements filed by a candidate there shall also be included all contributions made by him. (*Thus amended by chap. 596, Laws of 1907.*)

§ 207. Payments to political committee.— No person shall in any name except his own directly or indirectly, himself or through another person, make a payment or a promise of payment to a political committee or to any officer or member thereof, or to any person or persons acting under its authority or in its behalf, nor shall any such committee or any such person or persons knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

§ 208. Filing and preservation of statements.— All statements required by this article shall be filed with the secretary of state and all statements, vouchers, receipts and accounts required by this article shall be preserved for fifteen months after the elections to which they relate and shall be open to public inspection.

§ 209. Forms for statements.— The secretary of state shall provide blank forms suitable for the statements above required.

§ 210. Failure to file statement or account.— If any person or persons, or committee or committees fails to file a statement or account as above required, or if any person or committee files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, or if any person or committee has failed to comply with any other of the requirements or provisions of this article, the supreme court or any justice thereof, may compel by order in proceedings for contempt, such person or committee to file a sufficient statement or account, or otherwise comply with the provisions of this article. The applicant for an order, as prescribed in this article, must present to the supreme court, or a justice thereof, a written petition, setting forth, upon information and belief stating the grounds and sources thereof, or, upon the personal knowledge of such applicant or applicants, any failure or failures to comply with the provisions of this article, the facts showing such failure or failures, and the names of the person or persons, or committee or committees, charged with such failure or failures. Except when made by the attorney-general, such petition shall be verified in like manner as a verified complaint in an action brought in the supreme court.

§ 211. Application for order to file statement.— Application for an order, as prescribed herein may be made by the attorney-general, district attorney, a candidate voted for at the election in respect to which the allegations in such petition may relate, or by any five qualified voters who voted at such election.

§ 212. Undertaking.— At the time of presenting the petition, the petitioner shall file with such court or justice thereof, an undertaking in a sum to be determined and with sureties to be approved by the court or justice thereof, conditioned to pay such costs and disbursements in such proceeding as shall be adjudged against him, as hereinafter provided, not exceeding the sum fixed in said undertaking. Upon the presentation of such petition and the giving of the security provided for in the foregoing section,

the court or justice thereof shall forthwith issue an order, a copy of which order and petition shall be served personally upon the person or persons named in such petition or left at his or their last known place of residence not less than seventy-two hours prior to the return day thereof, and directing them to appear and show cause at a day certain, within ten days after the issue of the order, why such person or persons should not file a statement of election expenses, or amend the statement already filed, and to furnish the court or justice thereof such further information as the court may require on the subject. Copies of such order shall be served on the attorney-general of the state and on the district attorney of the county wherein such statement is required to be filed. (*Thus amended by chap. 596, Laws of 1907.*)

§ 213. Filing petition for order. Such petition shall be presented within fifty days after any election in respect to which the allegations of such petition may relate if the statement mentioned therein was filed within the twenty days as herein required; but if the statement shall not have been filed within said twenty days, such petition may be presented at any time not more than sixty days after the filing of the statement. The said petition and order to show cause shall be filed, and any order or judgment made in the proceeding based thereon shall be entered in the office of the clerk of the county in which such election was held, if held wholly within a county, or otherwise in such other office as the court, or a justice thereof shall direct. (*Thus amended by chap. 596, Laws of 1907.*)

§ 214. Inquest by court.—Upon the return of the order to show cause provided for in section two hundred and twelve, the court, or justice, shall immediately, and in such manner as the court or justice shall direct, and without respect to any technical requirement, inquire into the facts and circumstances and into such violations of, or failure to comply with, the provisions of this article, as may be alleged in any such petition, or into such other facts and circumstances relative to any such election or to any contribution or expenditure made in connection therewith, which at any time, whether before or during the continuance of such inquest, the court or justice holding such inquest shall deem necessary to secure compliance with the provisions of this article

or to punish for a violation thereof. Such other persons as the court, or justice, shall deem necessary or proper to join or bring in as parties to the said proceeding in order to make its order, judgment or writs effective, may be joined as parties in such manner and upon such notice as said court or justice shall direct (*Thus amended by chap. 596, Laws of 1907.*)

§ 215. Investigation of charges a preferred proceeding.— The proceedings upon, and the investigation of, the charges set forth in said petition, shall take precedence and be preferred over all other actions or proceedings by or before said court, or justice thereof, and in case of appeals, in the appellate division and in the court of appeals.

§ 216. Appeals.— Appeals may be taken to the appellate division of the supreme court, and to the court of appeals, from the orders herein provided for, in the same manner that appeals are taken from orders of the special term of the supreme court, and such appeals shall be considered by such appellate courts as appeals from orders.

§ 217. Subpoenas for witnesses.— Any court or justice holding such inquest may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the state in a criminal prosecution in such court.

§ 218. Privileges of witnesses.— No person shall be excused from attending and testifying, or from producing any books, papers or other documents before the court, or justice thereof, upon any trial, investigation, or hearing, under the provisions of this article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

§ 219. Attendance and examination of witnesses.—

The attorney-general, a district attorney or some person designated by either, or by such court or justice, shall attend the inquest and examine the witnesses, and the persons or committees by or against whom the proceeding is brought shall have the right to appear by counsel at the inquest, produce evidence, and examine and cross-examine witnesses in his own behalf. Such court or justice shall have power, by a subpoena duces tecum, to compel the production before him or it, for examination, of any books or papers of any kind or of any other thing which he, or it may require in the conduct of such inquiry, and which is relevant and material. Such court or justice shall have power to cause any person who shall neglect or refuse to appear before him or it as a witness, having been duly summoned, to be brought before him or it; and any person in attendance as a witness, who shall refuse to be sworn as a witness, or who being sworn shall refuse to answer any proper questions propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such court or justice may be adjudged guilty of contempt and may be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

§ 220. Judgment.— The said court or justice thereof shall render judgment in such proceedings as follows: If such person or persons or committee or committees proceeded against, have failed to file, or have filed a false or incomplete statement, without wilful intent to defeat the provisions of this article, the judgment shall require the person or persons proceeded against to file such statement or such amendment to the statement, as shall render the same true and complete, within ten days of the entry of the judgment, and to pay the costs and expenses of the proceeding. If such person or persons, or committee or committees have failed to file a statement, or have filed a false or incomplete statement, and such failure to file or such false or incomplete statement was due to a wilful intent to defeat the provisions of this article, or if the person or persons proceeded against shall fail to file the required statement or amendment as directed by a judgment of a court or justice within ten days after the entry of such judgment, the person or persons, or committee or committees, proceeded against shall be liable to a fine, not exceeding one thousand

dollars, or imprisonment for not more than one year, or both. If such person or persons, or committee or committees have filed a statement complying with the provisions of this article, or if the person or persons, committee or committees proceeded against, or either of them, are not required to file a statement as prescribed herein, the court or justice shall render judgment against the applicant or applicants, and in favor of such person or committee, for his or their costs and disbursements, to be taxed by such court or justice.

§ 221. Application of this article.— The provisions of this article shall not be applicable to elections of towns* or village officers, in any town or village, or to any person, association, or corporation engaged in the publication or distribution of any newspaper or other publication issued at regular intervals in respect to the ordinary conduct of such business.

* So in original.

PRIMARY ELECTION LAW.

L. 1898, Chap. 179.—An Act in relation to Enrollment for Political Parties, Primary Elections, Conventions, and Political Committees.

[The whole of the above act was amended by chap. 473, Laws of 1899, to read as follows.]

Section 1. Short title and application of act.— The short title of this act shall be the "Primary Election Law." Except as otherwise herein provided, it shall be controlling; (1) on the methods of enrolling the voters of a party in cities and in villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants; (2) on primary elections in such cities and villages; (3) on party conventions in and for any political subdivision of the state, made up wholly or partly of delegates elected in any such city or any such village; (4) on the choice, in such cities and such villages, of the members of political committees and on the conduct of political committees, in and for any political subdivision of the state, made up wholly or partly of members from any such city or village. Provided that in case territory to which this act is not applicable shall at any time become incorporated with a city or village to which it shall then be applicable, only the provisions of subdivision one of section three of this act shall apply to such new territory prior to first day of registration thereafter.

§ 2. Definitions and construction of act.— The terms used in this act shall, for the purposes of this act, have application as provided in this section, unless other meaning is clearly apparent from the language or context, or manifest intent. The term "committee" shall apply to any committee chosen in pursuance hereof, or of the rules and regulations of a party, to represent the members of the party in any political subdivision of the state. The

term "general committee" shall apply to the county committees in the various counties of this state in which are located any of the cities or villages to which this act is applicable, and in the city of New York to the county committee, the city committee, if any, and such borough committees as may be established by any party. The term "convention" shall apply to any assemblage of delegates of a party, in and for any political subdivision of the state, duly convened for the purpose of nominating candidates for public office, electing delegates to other conventions, electing members of political committees, or transacting any other business relating to the affairs of a party. The term "primary election" shall apply to any election by the members of a party duly convened in any political subdivision of the state to which this act is applicable, of delegates to a convention, or of party committeemen, or of candidates for public office, or to any such election upon any question submitted to the vote of a party. The term "unit of representation" shall apply to an election district, a ward of a city, an assembly district, a congressional district, a senatorial district, or any other political subdivision of the state which, by the rules and regulations of a party, may be the unit from which members of any political convention or committee to which this act is applicable, shall be chosen. The term "custodian of primary records" shall apply to those officers or boards whose duty it is, by the provisions of the election law, to provide official ballots for general elections in the respective cities and villages to which this act is applicable. The term "party" shall apply to any political organization which, at the last preceding election of a governor, polled at least ten thousand votes for governor. No organization or association of citizens for the election of city officers shall be deemed a political party within the meaning of this act, and membership in any such organization or association shall not prevent an elector from enrolling with, and acting as a member of a political party.

§ 3. Enrollment.— Subdivision 1. The custodian of primary records shall cause to be prepared on or before the fifteenth day of September in each year, original enrollment books to the number of two for each election district. Such enrollment books shall be so arranged that the names of all electors of the election district may be inscribed therein alphabetically. Except in cities of

the second class and cities containing a population of one million or over, such enrollment books shall be so arranged and printed that there shall be fourteen columns on each page; the first for the enrollment number of the electors; the second for the surnames of the electors; the third, for the Christian names of the electors; the fourth for the residence addresses; the fifth for the word "yes;" the sixth for the name of the party, of* any, with which the elector shall enroll; the seventh for an entry to show a special enrollment; the eighth for the record of transfer or removal from one election district to another; the ninth for the word "voted" in case the elector votes at the first official primary election of the year; the tenth for a record as to challenges in case he is challenged thereat; the eleventh and twelfth columns for similar entries in case he votes at the second official primary election; and the thirteenth and fourteenth columns for similar entries in case there be a third official primary election or unofficial primary elections. The enrollment books prepared for election districts within a city of the second class or a city containing a population of one million or over shall be so arranged and printed that there shall be twelve columns on each page; the first for the enrollment number of the electors; the second for the surnames of the electors; the third, for the Christian names of the electors; the fourth for their residence addresses; the fifth for the word "yes;" the sixth for the name of the party, if any, with which the elector shall enroll; the seventh for the word "voted" in case the elector votes at the first official primary election of the year; the eighth for a record as to challenges in case he is challenged thereat; the ninth and tenth columns for similar entries in case he votes at the second official primary election; and the eleventh and twelfth columns for similar entries in case there be a third official primary election or unofficial primary elections. Said books shall be delivered by the custodian of primary records to the election inspectors of the respective election districts immediately before the first day of registration in each year. The custodian of primary records shall cause at least two voting booths of the same kind and description as voting booths used at general elections, to be erected in each place of registration, before the first day of registration in each year, and such booths shall be and remain in said places of registration during the

* So in the original.

registration at the four regular meetings for registration during that year; and it shall be the duty of the custodian of primary records to furnish in each voting booth so erected the same articles which are required by law to be placed therein, for a general election, which articles shall remain therein during such registration. He shall also provide in like manner one ballot box in each place of registration of sufficient capacity to hold all the enrollment blanks and envelopes which are to be furnished for such place of registration, and which shall be of the kind prescribed by law to be used at a general election. There shall also be prepared and distributed by the custodian of primary records in the manner and at public expense as provided in the election law for the furnishing of official ballots, such a number of enrollment blanks and envelopes for each election district to the primary elections of which this act is applicable, as will exceed by two hundred the total number of electors registered in such district at the last preceding general election. The enrollment blanks shall be printed on white paper, and on the face thereof shall be printed the following, or the substance thereof, the blanks to be filled in in type so far as possible:

Primary Enrollment for the Year.....

City (or Village) of.....; County of.....;
.....Assembly District (or Ward);.....
Election district.

.....Enrollment Number.....

“I,, who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I have this day registered as a voter for the next ensuing election, and that I am a qualified voter of the election district in which I have so registered, and that my residence address is as stated by me at the time I so registered; that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; and that I have not enrolled with or participated in any primary election or convention of any other party since the first day of last year. The word party as used herein means a political organization

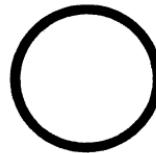
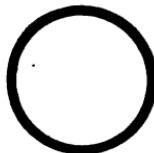
which at the last preceding election of a governor, polled at least ten thousand votes for governor."

..... Party.

..... Party.

(insert emblem.)

(insert emblem.)



Make a cross (X) mark, with a pencil having black lead, in the circle under the emblem of the party with which you wish to enroll, for the purpose of participating in its primary elections during the next year. The circles underneath the emblems shall be one inch in diameter, and in them nothing shall be printed. The party emblems shall be the same which were on the ballots for each party respectively at the last preceding general election, and such emblems shall be so arranged on each blank that the emblem of the majority party at the last preceding general election of a governor shall be first, and the other emblems shall follow in order in accordance with the vote cast for such office at such election; over each emblem shall be printed, in type clearly legible, the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblems of those parties to which this act is applicable and shall be distributed enclosed within the enrollment envelopes having corresponding enrollment numbers. The enrollment envelopes shall be of such size as to permit enclosure therein, without folding, of the enrollment blank, and of such weight and texture of paper as to make it impossible to read or decipher the printed matter on the blank when the same is sealed on the inside thereof. Nothing shall be printed or written upon the enrollment envelopes except the following words, or the substance thereof, blanks to be filled in in type as far as possible.

Primary Enrollment for Year.....

City (or Village) of.....; County of.....

.....Assembly District (or Ward);Election District.

Enrollment number.....

Name of elector.....

(*Thus amended by chap. 674, Laws of 1905.*)

Subdivision 2. When, in any city or village to which this act is applicable, an elector shall, at any of the four regular meetings for registration in any year, present himself to the board of election inspectors in any election district, his name and residence address shall be entered at the proper place in the two original enrollment books for that district. After he shall have been registered as a qualified elector of that election district for the next ensuing general election, the board of election inspectors, or a member thereof, shall forthwith, and before such elector leaves the place of registration, enter his registration number, beginning with number one for the first elector registered on the first day and so on in numerical order, opposite his name, in the first column of the registration books and the enrollment books, and shall deliver to such elector the enrollment envelope and blank having the number which shall be opposite his name on the registration books. No elector shall be given more than two sets of enrollment blanks and envelopes, or more than one set unless he shall spoil, deface, improperly mark, or otherwise destroy the first set given him. In case a second set is given him, the member of the board of election inspectors in charge of the enrollment books shall draw a line through such elector's enrollment number in the first column in said books, and of the registration books, and shall insert in such space in said columns the number which shall be upon the new set to be given him, which number shall always be the highest number of the enrollment blanks and envelopes then unused in such booth. Such elector desiring to enroll shall then enter a voting booth in said place of registration, and, after having closed the door thereof, may make a cross (X) mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon enclose said enrollment blank in said envelope and seal the same, and, before leaving the place of registration, shall deliver the same to a member of the board of election inspectors who shall endorse thereon the name of such elector and thereupon return said envelope to said elector, who shall forthwith deposit the same in the ballot box in said place of registration in the presence of the inspectors of election, without in any way indicating the party with which he has or has

not enrolled, and the inspectors shall thereupon enter in the enrollment books in the fifth column thereof the word "yes." If an elector declines to enroll, he may return the blank and envelope to the inspector in charge of the ballot box, and such inspector shall seal said envelope with the blank therein, endorse the name of such elector thereon and deposit the same in the ballot box; and a like entry shall be made opposite his name in the fifth column of the enrollment books. The entries in the enrollment books required by this section shall be made by a member of the board designated by the chairman. One mark crossing another mark at an angle within the circle shall be deemed a cross mark within the meaning of this act. Before any elector shall be registered in any year, the said ballot box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records after the next ensuing general election as hereinafter provided. Said ballot boxes shall be in the charge and keeping of the custodian of primary records at all times except during the hours of registration as prescribed by law. At the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books are the only persons who registered as electors in that district on any of said days of registration. Immediately upon the close of each day of registration, and before leaving the meeting place, the board of election inspectors shall publicly inclose the said enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district. Such envelope shall remain in the custody of the chairman of the board until the meeting on the next day of registration, when it shall be publicly opened. The envelope sealed at the close of the last day of registration shall, within twenty-four hours thereafter, be delivered to the custodian of primary records. Such envelope shall remain sealed until the next Tuesday following the next ensuing day of general election. No member of the board of

election inspectors shall make, or allow to be made, a copy of, or a transcript or statement from, the enrollment books. No person shall, on any of such days of registration or in the interval between any such day and the next ensuing day of general election, reveal or disclose the names or number of the enrolled electors, or make, publish or circulate a list of such names, or of any thereof, or do or permit any act by which the name of any elector who may or may not have enrolled, or the number of electors enrolled or not enrolled, shall be disclosed. (*Thus amended by chap. 225, Laws of 1900.*)

Subdivision 3. It shall be the duty of the board of primary inspectors, or one of them, after the final meeting for registration in each year, and at the same time he delivers the registration books, to deliver the enrollment box to the custodian of primary records. All enrollment envelopes contained therein shall remain in such box, and the said box shall not be opened or any of the envelopes be opened or removed therefrom until the Tuesday following the next succeeding day of general election. Such box shall then be opened by the custodian of primary records, and the envelopes contained therein shall be removed therefrom and opened by said custodian, and the name of the party designated by each elector under such declaration shall be by said custodian entered against the name of such elector in the sixth column of said enrollment books for the election district in which such elector resides. Such enrollment shall be completed before the succeeding fifteenth day of February in each year. If cross marks are found in more than one of the circles, or if no cross marks are found in any of the circles on any enrollment blank, the elector who used the enrollment blank thus deficient shall not be deemed to be enrolled, and words indicating the reason why such enrollment is not transcribed shall be entered in said sixth column of the enrollment books against the name of such elector. When all of the enrollments shall be transcribed from the blanks to the enrollment books, the custodian of primary records shall subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books, which declaration shall be to the effect that he has correctly and properly transcribed the enrollment indicated on the blank of each elector to the enrollment books, as herein provided. (*Thus amended by chap. 227, Laws of 1906.*)

Subdivision 4. At any time during the months of May and June, and in any year when a president of the United States is to be elected, in the month of February also, any elector who was registered as a voter at one of said four meetings for registration in the preceding year but who did not then enroll with any party, may, except in cities of the second class or cities containing a population of one million or over, become specially enrolled in and have his name added to the original enrollment books of, any party in the election district in which he then resided and still resides, in the manner following: He shall make, and acknowledge before an inspector of election in the election district in which he resides, or any officer authorized by law to take the acknowledgment of deeds to be recorded in this state, and file or cause to be filed, with the custodian of primary records a statement embodying a declaration in the following form: "I, (naming the elector) do solemnly declare that I reside at (specifying his residence address), and am a qualified voter of the (specifying the number) election district of the (specifying the number) assembly district (or ward) in the city (or village) of (naming it); that at one of the last four preceding days of registration I registered as a voter in the said election district, but did not enroll, and I request that I be specially enrolled with the (naming it) party; that I am in general sympathy with the principles of the (naming it) party; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; and that I have not enrolled with or participated in any primary election or convention of any other party since the first day of last year. The word 'party' as used herein means a political organization which at the last preceding election of a governor polled at least ten thousand votes for governor." Upon the filing of such statement, the custodian of primary records shall enroll such elector in the original enrollment books for the proper election district and shall record, in the proper columns thereof, the name and residence address of such elector, the election district in which he is registered as a voter, the name of the party designated in such statement, the number opposite his name on the registration book, the fact that the elector is specially enrolled, and the date of such special enrollment. If subsequent to any general election and prior to the first day of July next ensuing, territory to which this

act is not applicable shall have become incorporated with a city or village to which it shall then be applicable, any elector residing in such annexed territory may become enrolled in and have his name added to the original enrollment books of any party for the election district in which he resides, at the time and in the manner provided in this subdivision. The enrollment of any such elector, so made, heretofore, is hereby legalized, ratified and confirmed in all respects as if made in pursuance of the provisions hereof. Nothing in this subdivision contained, giving the right to specially enroll as a member of a party, shall apply to cities of the second class or cities containing a population of one million or over, and in such cities no elector shall be permitted to enroll as a member of a party except at one of the four regular meetings for registration, as provided in subdivision two of this section of this act. (*Thus amended by chap. 204, Laws of 1900; chap. 111, Laws of 1903, and chap. 674, Laws of 1905.*)

Subdivision 5. Except in cities of the second class and cities containing a population of one million or over, an elector who shall have become of age after the last preceding general election may at any time other than during the thirty days next preceding an official primary day, become specially enrolled in, and have his name added to the original enrollment books of any party in the election district in which he resides, in the manner following: He shall make, and acknowledge before an inspector of elections in the election district in which he resides, or any officer authorized by law to take the acknowledgment of deeds to be recorded in this state, and file or cause to be filed with the custodian of primary records a statement embodying the declaration contained in subdivision four of this section, except that instead of the words indicating that the elector was registered at one of the last four preceding days of registration but did not enroll, words indicating that he has become of age since the last preceding general election shall be used. Upon the filing of such statement, the custodian of primary records shall enroll such elector in the original enrollment books for the proper election district, and shall record in the proper columns thereof, the name and residence address of such elector, the fact that he has become specially enrolled, the date of such special enrollment, and the fact that he has become of age since the last preceding general

election. Nothing in this subdivision contained giving to electors who shall have become of age after the last preceding general election the right to specially enroll, shall apply to cities of the second class or cities containing a population of one million or over, and in such cities no elector shall be permitted to enroll as a member of a party except at one of the four regular meetings for registration as provided in subdivision two of this section of this act. (*Thus amended by chap. 674, Laws of 1905.*)

Subdivision 6. If, after being enrolled as a member of a party in one election district, either by original enrollment or by transfer, an elector shall move into another election district in the same city or village, he may, except in cities of the second class and cities containing a population of one million or over, at any time between the first day of February of any year and the thirtieth day before the annual primary day, except during the thirty days before the official primary day in March, as herein provided, become enrolled therein as a member of the same party by making, acknowledging, and filing, or causing to be filed, with the custodian of primary records, a statement specifying the name of the party with which, and the election district in which he is enrolled, and the election district into which he has moved, and stating that he resides in the last mentioned election district, and desires to be enrolled therein as a member of such party. Upon the filing of such statement the custodian of primary records shall enroll the name of such elector in the original enrollment books for the proper election district, specifying the district from which he is transferred, and shall also make a minute, opposite the entry of his name in the original enrollment books of the election district from which he has removed, showing the election district to which his name is transferred. Nothing in this subdivision contained giving the right of transfer, as herein stated, shall apply to cities of the second class or cities containing a population of one million or over, and in such cities no elector shall be permitted to take part in any primary election of any party other than the party with which and in the election district in which he enrolled at one of the four regular meetings for registration, as provided in subdivision two of this section of this act. (*Thus amended by chap. 643, Laws of 1905.*)

Subdivision 7. The custodian of primary records shall annually provide a true copy of the enrollment books, duly certified, for each party to which this act shall then be applicable, provided that in cities containing a population of one million or over such copies shall be only of so much of the said enrollment books as will give the names, addresses and political affiliation of each voter, and the certificate attached to each said copy shall be qualified to meet the requirements of this proviso. The said custodian shall, in the month of February of each year, deliver one such certified copy to the chairman of the proper general committee of each such party. Such certified copies shall conform in all respects to the form of the original enrollment books, or to the portion transcribed, as the case may be, and all entries in such original enrollment books, completed to February fifteenth, when such books are prepared for election districts outside a city of the second class or a city containing a population of one million or over, shall be transferred thereto. The custodian of primary records shall, whenever requested so to do by the chairman of the proper general committee of any party to which this act is applicable and upon the delivery to him of that party's certified copy of the enrollment books for any election district, of a city or village other than a city of the second class or a city containing a population of one million or over make such additions thereto and changes therein as may be necessary to cause the same to conform to the original enrollment books of that election district, completed to the fifteenth day of the month during which such request is made, and shall, as promptly as possible, return the same to such chairman or his duly authorized representative, accompanied by a supplemental certificate showing that each such copy is a correct copy of the original as of such date. The custodian of primary records within a city of the second class or a city containing a population of one million or over, shall certify to such chairman that each such copy is a correct transcript of the original enrollment book, or of the portion thereof required to be copied if in a city of one million population or over, made during the four days of registration of electors for the preceding general election. At all unofficial primary elections of a party, the certified copy of the enrollment books, completed, in the case of election districts outside of a city of the second class or a city containing a population of one million or over, to the first day of the month pre-

ceding the month in which the primary election is held, shall be used, and no elector shall be allowed to take part in such primary election as a resident of an election district, unless his name is upon the certified copy of the enrollment book for that district, showing that he is enrolled with the party in whose primary election he seeks to participate. (*Thus amended by chap. 744, Laws of 1907.*)

Subdivision 8. The original enrollment books shall be used at all official primary elections, and shall be delivered by the custodian of primary records to the proper boards of election inspectors immediately before the opening of the polls on each official primary day, and shall be returned to such custodian forthwith, after the completion of the canvass of the votes. Such enrollment books shall go into effect on the first day of January following the days of registration on which they are begun, and shall, with any additions or changes made as herein provided, remain in force until the first day of the following January, when they shall be superseded by the new enrollment books, as herein provided.

Subdivision 9. Except as otherwise expressly provided in this act, only electors enrolled as herein provided shall be entitled to participate in the primary elections of their respective parties. No elector who has registered as a voter in the preceding year shall be allowed to enroll in any election district other than that in which he was so registered as a voter, unless the custodian of primary records shall find that he was so registered in such other election district. No elector shall take part in any primary election of any party other than the party with which he shall at the time be enrolled. In case, in the interval between the days of registration and an official primary day in the succeeding year, a new election district shall be created, or the boundaries of an election district, or the number of any ward, or assembly district, shall be changed, the custodian of primary records, shall, at least thirty days prior to such official primary day, prepare two new enrollment books for such district, or properly renumber the enrollment books for such ward, or assembly district, which enrollment books shall be in the same form and exhibit the same facts as the enrollment books then in force in the territory comprised within such new or changed district, or renumbered ward or assembly district, but shall contain only the names of all the voters.

who as shown by the enrollment books then in force in such territory are the enrolled voters of the respective political parties resident within such new or changed election district, or renumbered ward or assembly district. And, in that event, such new enrollment books shall supersede the enrollment books then in force in such territory, and the custodian of primary records shall be charged with the same duties concerning the same and any duplicate sets thereof or transcripts therefrom as are herein provided with respect to the enrollment books begun on the days of registration. The enrollment books herein provided for and any declarations filed on enrollment shall be public records, and shall be open to inspection and copying at any time by any person, except for the period during which they are required to remain sealed as herein provided. It shall be the duty of the custodian of primary records to certify to the correctness of any transcript of such enrollment books, or of any part thereof, on the payment of one cent for every twenty names contained in the transcript; wherever the custodian of primary records is a salaried officer, the fees received by him for certifying such transcripts shall be paid into the public treasury. Such a certified transcript, containing the name and showing the enrollment of any elector, shall be sufficient evidence of such enrollment. The custodian of primary records shall give to any elector enrolled or transferred, as in this section provided, a certificate of enrollment or of transfer, which shall specify the name of the party with which he is enrolled, the date of enrollment or transfer, and the election district in which such elector is enrolled. The acknowledgments required to be made by this section may be made before an inspector of election of the district in which the elector making it resides, or before any officer authorized by law to take the acknowledgment of deeds in this state. No elector who has once enrolled in a political party shall be permitted to enroll in another political party before the first of the next four days of registration. Only electors at the time residing in the election district and who registered as electors in the same city or village in the last preceding year, or who shall have become of age after the last preceding general election, and whose names are not already on the rolls of any party, shall be entitled to specially enroll. The declarations and enrollment blanks filed by electors at the time of registration or in the special enrollment shall be public records and shall be kept on file until one year

thereafter. No person shall be required to enroll, nor shall his failure to do so affect his right to register for the purpose of voting at any election.

Subdivision 10. In a city containing a population of one million or over, the public officer or board at the time charged with the duty of publishing the registration lists of electors in such city shall, between the fifteenth day of December and the first day of January, cause to be published in like manner and at public expense a transcript of the enrollment books of each election district in such city, omitting all entries except the names, the residence addresses, and the party, if any, recorded opposite the respective names. The custodian of primary records shall provide such transcript for publication. (*Thus amended by chap. 111, Laws of 1903.*)

Subdivision 11. This subdivision shall apply only to cities containing a population of one million or over. If any statement in the declaration of any person, on the evidence of which his name was enrolled in the original enrollment book for any election district by the custodian of primary records, or if any entry opposite the name of any person in such enrollment book, is false, or if any person enrolled in such enrollment book, has died, or has removed from or no longer resides in such election district, any elector of the assembly district in which such election district is located (provided such elector is himself duly enrolled with the same political party with which the person, as to whom the application is made, was enrolled) may present proof thereof by affidavit to the supreme court, or to any justice thereof, in the judicial district in which such election district is located, or to a county judge of the county in which such election district is located. And thereupon such court, justice or judge shall make an order requiring the person against or as to whom the proceeding is instituted unless he is shown to have died as hereinafter provided, to show cause before such court, justice or judge, at a time and place specified in such order, why his name should not be stricken from such enrollment book. Such order shall be returnable on a day at least ten days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours

before the return thereof, either personally or by depositing the same in the postoffice of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known; and otherwise at the address which appears in the enrollment book for such election district. If the person as to whose name the application is made is claimed to be dead, the order to show cause hereinabove provided for shall be directed to the custodian of primary records, and service thereof need only be made upon such custodian of primary records, such service to be made in the manner heretofore in this subdivision specified; but an order requiring the custodian of primary records to show cause why the name of a person claimed to be dead should not be stricken from the enrollment book shall not be made unless the affidavit presented to the court, justice or judge by the elector instituting the proceeding shall state that such elector has personal knowledge of the death of the person with respect to whose name the application is made and unless such affidavit is substantiated either by a certificate of the health department or by other competent evidence of such death. The custodian of primary records shall produce before the court, justice or judge, the original enrollment declaration subscribed by the person against or as to whom the proceeding is instituted. The court, justice or judge shall hear the persons interested, and if it appears by sufficient evidence that any statement in the declaration of the person against whom the proceeding is instituted, on the evidence of which he was enrolled by the custodian of primary records, or any statement opposite his name in the original enrollment book, is false, or that such person is dead or has removed from or no longer resides in the election district for which he is enrolled, shall order the name of such person stricken from the enrollment book, except as hereinafter provided. If at such hearing the person against whom the proceeding is instituted shall produce evidence that the custodian of primary records has incorrectly copied into the enrollment book the data contained in the declaration of such person, and that if correctly copied such person would be entitled to be enrolled in such election district, such order instead of requiring his name to be stricken from the enrollment book, shall require the correction of the enrollment book in accordance with such evidence. In either case the order shall require the

custodian of primary records to strike such name from the enrollment book, or to otherwise correct such enrollment book in accordance with such order. Upon the correction of such enrollment book in accordance with such order, the custodian of primary records shall certify such correction to the chairman of the general committee of each party to whom a duplicate set of enrollment books has been delivered in pursuance of subdivision seven of this section. (*Added by chap. 350, Laws of 1904.*)

Subdivision 12. This subdivision shall apply only to cities containing a population of one million or over. If any person is not in sympathy with the principles of the political party with which such person is enrolled, any elector of the assembly district in which such election district is located (provided such elector is himself duly enrolled with the same political party with which the person, as to whom the application is made, was enrolled) may present proof thereof by affidavit to the chairman of the county general committee of the political party, with which the elector enrolled, and the chairman of such county general committee shall issue a notice requiring the person against or as to whom the proceeding is instituted, to show cause before such chairman of the county general committee, or a subcommittee appointed by such chairman, at a time and place specified in such notice why his name should not be stricken from such enrollment book. Such notice shall be returnable on a day at least fifteen days before a primary election, and a copy of the affidavit shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the postoffice of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the enrollment book for such election district. The chairman of such committee shall in his discretion personally hear the persons interested in the proceeding or appoint a subcommittee to take testimony, and in such event the action of the subcommittee shall not be final unless approved of by the chairman of such county general committee, and if it appears by sufficient evidence that such person is not in sympathy with the principles of

the political party with which such person enrolled, the chairman of the county general committee shall cause to be filed a certificate with the board of elections or with the custodian of primary records setting forth reasons why the name of such person shall be stricken from the enrollment book, together with a record of the proceedings had in the matter. It shall be the duty of the board of elections or the custodian of primary records to make application to the supreme court or to any justice thereof in the judicial district in which such election district is located, or to a county judge of the county in which such election district is located, for an order requiring the person against or as to whom the proceeding is instituted, to show cause before such court, justice or judge, at a time and place specified in such order, why the decision of the chairman of such county general committee should not be confirmed. Such order shall be returnable on a day at least five days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted at least forty-eight hours before the return thereof in a manner as hereinbefore provided. The court, justice or judge upon approving of the finding of the chairman of such county general committee shall issue an order to the board of elections or to the custodian of primary records requiring the name of the elector to be stricken from the enrollment book. (*Added by chap. 488, Laws of 1904.*)

§ 4. Primary elections.— Subdivision 1. In a year when a president and vice-president of the United States are to be elected, the tenth Tuesday before the day of general election, and in other years the seventh Tuesday before the day of general election, shall be known as the annual primary day, except in cities containing a population of one million or over, and in such cities in a year when a governor is to be elected, the eighth Tuesday before the day of general election, and in any other year the sixth Tuesday before the day of general election, shall be known as the annual primary day, and in all cities and villages to which this act is applicable each party shall on such day hold primary elections for the following purposes:

First. The election of delegates to all political conventions except conventions made up of delegates who by the rules and regulations of the party are chosen by other conventions and not at primary elections, and conventions called to meet prior to such

primary day for the purpose of nominating candidates to be voted for at special elections.

Second. For the nomination of all candidates for public offices to be voted for at the ensuing election who by rule adopted by a party pursuant to section twelve of this act, are to be nominated at a primary election and not at a convention; and for the election of committeemen whose duty it shall be to fill vacancies in such nominations in the cases prescribed by section sixty-six of the election law, and in the manner therein provided so far as the same is applicable thereto.

Third. For the election of all committeemen who are to be chosen at a primary election and not at a convention.

Fourth. For the election of alternates to delegates, in case the rules and regulations of a party shall so provide.

Provided, however, that in any county having within its limits a city of the first class, there shall be in each even numbered year and in each odd numbered year in which officers of the state, other than members of the legislature are to be elected, two annual primary days, the first on the seventh Tuesday before such day of general election except as above provided for a presidential year and the second on the fifth Tuesday before such day of general election. On the first of such days shall be held the primary elections for the purpose of electing delegates to such conventions as are made up of delegates representing more than one county or of electing delegates to conventions to choose delegates to conventions which are made up of delegates representing more than one county; and on the second of such days shall be held the primary elections for the election of other delegates, the nomination of candidates and the election of committeemen, as provided in this subdivision one of section four of this act. Nothing herein contained shall be construed as compelling the holding of primary elections in such a county on the first of such days in odd numbered years in case no delegates are to be voted for thereat, but in that event there shall be in such a year in such a county but one annual primary day, and it shall be on the fifth Tuesday before such general election. The primary elections held on each primary day shall be official primary elections, and except as in this provision provided, such elections, and all inspectors thereof and public officers and boards, shall be subject to all the provisions and charged with all of the duties prescribed by this act for the conduct of the official primary

elections on the annual primary day. (*Thus amended by chap. 504, Laws of 1907.*)

Subdivision 2. In each year when a president and vice-president of the United States are to be elected there shall be a primary election for the choice of delegates to state conventions and congressional district conventions, or of delegates to conventions by which delegates to state conventions or congressional district conventions are to be chosen, as the rules and regulations of a party may prescribe, on an additional official primary day which shall be the last Tuesday of March. The primary elections on that day shall be subject to all the provisions of this act for the conduct of primary elections on the annual primary day as prescribed in this section. The expense of official primary elections, including the expense of preparing and copying new enrollment books and the compensation herein provided to be paid to primary election inspectors, shall be paid by the same officers or boards of the city in which said primary is held, and in the same manner, as the expenses of general elections. Delegates to conventions to nominate candidates for member of congress or to conventions to elect delegates to conventions to nominate such candidates shall be elected on the annual primary day. (*Thus amended by chap. 360, Laws of 1901.*)

Subdivision 3. The custodian of primary records shall, thirty days before each official primary day, divide every ward or assembly district in a city and every village to which this act is applicable, into primary districts, each of which shall consist of two contiguous election districts, except that in case there is an odd number of election districts in such ward, assembly district, or village, the highest numbered election district shall be a primary district by itself. There shall be two polling places in each of such primary districts which shall be designated and provided at public expense by the officers or boards whose duty it is to provide polling places for days of general election, and which shall be, so far as they are available, the same places which were used for the last preceding general election. The custodian of primary records shall assign one of the polling places in each primary district to the party which, at the last election of a governor, cast the highest number of votes for governor, and at the other polling place in such primary district there shall be held the primary elections of all other parties.

Subdivision 4. At least twenty days before each official primary day the chairman of the general committee of each party subject to the provisions of this act, shall certify and deliver to the custodian of primary records a statement of the conventions, committees and offices for which delegates, members or candidates, as the case may be, are to be elected thereat, and the number of delegates to conventions, and members of committees, to be elected in each unit of representation. The custodian of primary records shall prepare a notice of each official primary election provided for by this act, and shall publish such notice, not more than ten days and not less than five days prior to such primary election, in at least one newspaper having a general circulation in the city or village, of the political faith of each of the two parties which, at the last preceding election of a governor, cast the highest and next highest number of votes for governor. Such notice shall specify the day of such primary election, the hours during which it will be held, the location of each polling place, the election districts whose electors may vote at each such polling place, the name of the party or parties whose primary elections will be held thereat, and the conventions, committees and offices for which delegates, members or candidates, as the case may be, will be voted for thereat. All official primary elections held in pursuance of this act shall be open from two o'clock in the afternoon to nine o'clock in the evening. All other primary elections, if any, shall be open for not less than four hours, commencing not earlier than three o'clock in the afternoon and ending not later than ten o'clock in the evening.

Subdivision 5. Notice of all unofficial primary elections shall be given in the same manner as in the case of official primary elections, except that such notice shall be given by the proper party officers and shall not be at public expense. Unofficial primary elections shall be held in such places within the unit of representation for which the primary election is held, as shall be designated by the proper political committee, but there shall be at least one polling place within and for each assembly district, ward or village. No primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street. The chairman and secretary of the political committee calling

an unofficial primary election, or under whose direction such primary election is held, shall post and keep posted during the election, at or near the entrance to the room where the primary election is held, so that the same is clearly visible from the street, a conspicuous notice calling attention to the place at which the primary election is being held. Unofficial primary elections shall be held at the expense of the party holding them, and, except as herein otherwise provided, shall be subject to the rules and regulations of such party.

§ 5. Primary election officers.— Subdivision 1. There shall be for each primary district two boards of primary election inspectors, one of which shall consist of the election inspectors for the election district or districts comprised within such primary district who shall, at the time, represent the party which, at the last preceding general election of a governor, have* cast the largest number of votes for governor, and the other of which shall consist of the election inspectors who shall represent the party which, at such election, cast the second largest number of votes for governor, except that in a primary district co-terminous with an election district each board shall have, as an additional member thereof, the poll clerk who shall represent the same party as the two inspectors of election. The first mentioned of said boards shall conduct the primary elections of the party represented by its members, and the second mentioned of said boards shall conduct the primary elections of all other parties at the time entitled to hold official primary elections.

Subdivision 2. The election officers who are required by section twelve of the election law to be appointed on or before the first day of October in each year, shall, in all cities and villages to which this act is applicable, be appointed, and take office, at least thirty days before the first day of October. The oath which each election officer is required to take by the provisions of section twelve of the election law, shall include his duties as a primary election officer, and all duties prescribed by this act. Removals from, and vacancies in, a board of primary election inspectors on an official primary or enrollment day shall be made and filled in the same manner as on a day of registration. Before entering upon their duties, the inspectors of each primary district shall meet and ap-

point one of their number chairman, or, if a majority shall not agree upon such appointment, they shall draw lots for that position. The primary election inspectors serving on the official primary days, shall each be paid the sum of five dollars for each day of such service. Before entering upon his duties, each primary inspector shall make and subscribe an oath to faithfully perform his duties as such, which oath shall form a part of the return to the custodian of primary records.

§ 6. Ballots, booths, supplies, et cetera.— The custodian of primary records shall, not later than twenty days prior to the holding of any official primary election provided for in this act, prescribe the size, color, weight and texture of the paper to be used for the ballots at such primary election and prepare samples thereof. The colors of the ballots shall be such that those of each party shall be easily distinguishable from those of all the other parties and shall be such that the printing thereon shall be easily legible. The paper shall be of such weight and texture as to make it impossible to read or decipher the printed matter on the inside of the ballot when it shall be folded. Each ballot shall have printed or written upon its face the party name, the assembly district or ward number if any, the election district number when the election district is a unit of representation, the names of the positions to be filled and the names of the persons voted for to fill such positions. The size of the ballot shall be large enough for the printing thereon of a complete set of names for all the positions to be filled at such primary election. All printing thereon shall be in black ink. Such sample ballots shall have the words "sample ballot of the (specifying it) party" printed thereon, and shall be exhibited for inspection during the hours within which the office of such custodian is open for business, and it shall be the duty of such custodian to furnish to each member of the board of primary election inspectors and to any elector applying for the same, a sample of the ballot for each party. The custodian shall also furnish to party committees or to electors, applying therefor, at cost, the paper so designated to be used for ballots. Ballots to be voted on either of the two official primary days may be provided by any person. Ballots not conforming to the provisions of this section shall not be counted at any official primary election.

The polling places, voting booths, guard-rails, distance markers, ballot boxes, sample ballots and other supplies required for official primary elections shall be provided and paid for by the same officers, and in the same manner, as in the case of general elections, pursuant to sections ten and eighteen of the election law. At all official primary elections a separate box with the name and emblem of the party and with the number of the election district clearly and conspicuously written or printed thereon, shall be provided at each polling place for each party participating in a primary election at such polling place and for each election district the voters of which vote at such polling place; and there shall also be a large box for the reception of the unvoted ballots. There shall be affixed to the outside of the polling place, and in at least two places on the inside thereof, and in a conspicuous manner, placards, printed with large sized and bold-faced type, which shall specify the name of the party or parties whose primary election is being held in such polling place. It shall be the duty of all primary inspectors to receive, preserve, and have at their respective polling places for delivery to electors on any official primary day, all unvoted ballots which may be delivered to them, or any of them, by any qualified elector at any time before the closing of the polls on any such primary day.

§ 7. Voting at official primary elections.— Subdivision 1. When, at any official primary election, an elector shall present himself to the board of primary inspectors, and declare his desire to vote, he shall announce his name, residence and party, and if he shall be found to be duly enrolled as a member of such party in that primary district, the board of primary inspectors, or a member thereof, shall deliver to him unfolded one of each of the ballots of his party intended for the electors of the election district in which he resides, which are in the polling place. Thereupon, and before voting, the elector shall retire into one of the booths of the polling place. Immediately upon leaving such booth he shall be permitted to vote by delivering to one of the inspectors any ballot which conforms, in external appearance, to the provisions of this act, folded in such a way that none of the printed or written matter on the inside thereof shall be visible. The inspector to whom such ballot is so delivered shall, at once and in the presence of the elector, deposit it in the proper ballot box.

When an elector shall have offered his ballot, and it shall be in the ballot-box, he shall deliver all of the unvoted ballots which were delivered to him, each of them so folded as to conceal the inside thereof, to such inspector, and such officer shall, forthwith and without opening the same or revealing the contents thereof, deposit such ballots in the box for unvoted ballots. Such unvoted ballots shall, on completion of the canvass, be removed from such box, and without being examined be destroyed. No person shall cast more than one ballot. No ballot which shall have any printing, writing or mark on the outside thereof, shall be received. No ballot shall be in any way marked for identification. At all primary elections, all ballot-boxes to be used thereat shall be opened and examined by the board of primary inspectors in the presence of the watchers, if any, before any ballots are received; and when empty shall be closed and sealed, and not be opened again until the close of the polls at such primary election. The procedure shall, as far as possible, except as changed by the provisions of this act, be the same as that provided for the reception and deposit of ballots on the day of general election. When the elector shall have cast his ballot, that fact shall be recorded by the board of primary inspectors by the entry of the word "voted," opposite his name in the proper column of the original enrollment books provided therefor.

Subdivision 2. The right of an enrolled elector to participate in any official primary election shall be subject to challenge at any time before his ballot is deposited in the ballot-box. When any enrolled elector shall be challenged, the chairman, or one of the members, of said board, shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions:

Are you (using the name which he has given as his name)?

Do you reside, and have you, for thirty days last past, resided at (giving the address which he has given as his residence)?

Subdivision 3. From the time of the opening of the polls, until the result of the canvass of the votes cast thereat shall have been announced, and the official statements of such canvass shall have been signed, the ballot-boxes and all voted ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except primary election inspectors, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, and persons duly admitted for the purpose of voting; provided, however, that any candidate voted for may be present at the canvass of the votes.

Subdivision 4. Watchers, not exceeding one for each election district, may be appointed by any political committee, and by any two or more of the persons whose names are upon any ticket to be voted for at such primary election. Such watchers may be present at such polling place and within the guard-rail from at least fifteen minutes before the examination of any ballot-box at the opening of the polls of such primary election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the statements thereof by the inspectors. A reasonable number of challengers, at least one person for any three or more persons of each party holding its primary election at that polling place, whose names are upon any ticket to be voted for at such primary election, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. No person shall, while the polls are open, at any polling place do any electioneering within such polling place, or within one hundred feet therefrom, in any public street or in any building or room, or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place on any primary day.

§ 8. Canvass of votes.— Subdivision 1. As soon as the polls at any official primary election shall close, the board of primary inspectors shall forthwith publicly canvass and ascertain the result thereof, and they shall not adjourn or postpone the canvass until it shall be fully completed. All questions touching the validity of ballots or their conformity with the provisions of this act, shall be determined by a majority vote of the board of

primary inspectors. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons during the canvass, to close, or cause to be closed, the main entrance to the room in which such canvass is conducted, in such manner as to prevent ingress or egress thereby. The board of primary inspectors shall proceed to canvass the vote by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the enrollment books to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein such ballots shall be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and, without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot-box exceeds the whole number of ballots shown by the enrollment books to have been deposited therein, and not otherwise. If there lawfully be more than one ballot-box for the reception of ballots voted for at any one polling place, no ballot found in the wrong ballot-box shall be rejected, but shall be counted in the same manner as if found in the proper box, if such ballot shall not, together with the ballots found in the proper ballot-box, make a total of more ballots than are shown by the enrollment books to have been deposited in the proper box. The chairman only of the board of primary inspectors shall unfold the ballots taken from the ballot-box. When a ballot is not void, and a primary election inspector or a duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot "Objected to because marked for identification," and shall specify over their signatures upon the back thereof the mark or markings upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them as if not so objected to. *If any ballots*

shall be rejected as void, the reason for such rejection shall be written on the back thereof by the chairman of the inspectors, or by an inspector designated by him. All ballots rejected as void, and all ballots protested as marked for identification, shall be enclosed in a separate sealed package, which shall be endorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman of the board of inspectors with the original statement of the canvass. A statement of the number of ballots protested as marked for identification, and of the number thereof rejected as void, shall be included in each of the statements of the result of the canvass. If requested by any watcher, the inspector shall, during the canvass, exhibit any and all ballots cast at such primary election to such watcher, fully opened and in such condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand.

Subdivision 2. Immediately upon the completion of such canvass, the board of primary inspectors in each primary district shall make public oral proclamation of the result thereof, and shall make a written statement of such result for each election district in such primary district, and also a duplicate thereof, which shall be known as the duplicate statement. Immediately after the completion of such statements, such board shall file the original thereof with the custodian of primary records, and shall file the duplicate statement with the clerk of the city or village. In any county which contains a city or village to which this act is applicable and has territory greater than such city or village, the officers presiding at primary elections held in the political divisions of such county outside of such city or village shall file with the custodian of primary records immediately after the holding of every such primary election a sworn statement of the delegates and members of general committees elected thereat.

Subdivision 3. At all reasonable times any watcher shall have reasonable opportunity to make a transcript of such statement, or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election so far as he is concerned. In the case of a primary election at which persons are elected to any convention

or committee from election districts as the unit of representation, the board of primary inspectors shall, promptly after canvassing the vote, deliver to each of the persons who receive the largest number of votes as delegates to, or as members of, such convention or committee, or to the respective persons authorized in writing by them to receive the same, a certificate stating the total number of votes cast for the respective candidates and the number thereof received by such persons respectively. Such certificate shall be the evidence of the election of such persons, and shall entitle them and each of them to be placed upon the roll of, and be admitted to, such convention or committee. After the close of the canvass of the votes at primary elections, the ballots cast thereat, except those rejected as void or protested as marked for identification, shall be replaced in the ballot-boxes from which they were respectively taken, and such ballot-boxes shall then be securely locked and sealed, and shall be returned to the officer from whom they were received, who shall safely keep the same; subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots shall be removed and, without examination, destroyed. The custodian of primary records shall not be required to retain on file the enrollment books and other papers required to be filed with him by the board of primary inspectors for a period of more than three years unless otherwise directed by the district-attorney of the county or a judge or justice of a court of record. (*Thus amended by chap. 207, Laws of 1905.*)

Subdivision 4. The custodian of primary records shall forthwith proceed to canvass the statements so filed (except so far as they relate to the election of delegates to conventions or members of committees from election districts as the unit of representation), and shall complete such canvass within seventy-two hours from midnight of the day on which the primary election was held. Such custodian shall thereupon prepare certified statements of the result of the primary elections of each party participating therein and shall make up the rolls of the conventions for which delegates were elected at such primary elections, so far as such conventions are to be made up of such delegates, and add

thereto the names of any delegates entitled to act in such conventions from any of the political divisions of such county not included within any city or village to which this act is applicable, as contained in the statements filed with him pursuant to subdivision two of section eight of this act, and shall promptly mail, and, if requested, deliver one copy thereof to the respective secretaries of the proper political committees of the several parties participating in such primary election. It shall be the duty of the custodian of primary records to prepare a certified transcript of such statements, or any portion thereof, and deliver the same to any individual or political committee upon demand on payment of five cents for every one hundred words so certified. Wherever the custodian of primary records is a salaried officer, the fees received by him for making such certified transcripts, shall be paid into the public treasury. The secretary of any political committee shall be entitled to receive, upon demand, a certificate of the result of any such election in any unit of representation comprised within the territory within which such committee represents a party. Such custodian shall also promptly deliver upon demand to any person, who, by the statements so filed and canvassed, is shown to have been elected as delegate to a convention or a member of a committee, or to have been nominated as a candidate for public office, a certificate of such election or nomination, as the case may be. Such certificate or a duplicate thereof, shall be sufficient to entitle the person named therein to be admitted to the convention or committee to which he shall have been elected, and upon filing such certificate in the proper office and at the proper time prior to election day, a person nominated for public office at such primary election shall be entitled to have his name printed upon the official ballot of his party, as if he had been nominated in the manner provided in section fifty-six of the election law. Nothing herein contained shall be construed as preventing the holding of a convention prior to the receipt by the secretary of the proper political committee of the certificate provided for in this section, provided the roll of such convention shall be made up of those delegates who shall have been duly elected as shown by the original statements of the boards of primary inspectors in the various election districts, and in the statements filed pursuant to subdivision two of section eight hereof.

§ 9. Committees, and rules and regulations of parties.— Subdivision 1. Each party shall have a general committee for each county, except that in the city of New York there may be, in lieu of, or in addition to, a general committee for each county wholly therein, a general city committee or general borough committees, or both, as the rules and regulations of the party may prescribe, and except that in each city other than said city of New York, and cities of the first class, if it be desired by a majority of the members of such general committees elected from the wards of such city, there shall be for such city a city committee to consist of such members so elected from such wards, who shall have power to perfect their own organization under such rules and regulations as they may prescribe for the conduct of the affairs of such party affecting such city and the wards thereof. Any party may also have committees in and for such other political subdivisions as its rules and regulations may prescribe. All members of general committees, and assembly district and ward committees, chosen in or from cities of the first class except as otherwise herein provided, shall be elected at the primary elections, on the annual primary day of each year. In the other cities and villages to which this act is applicable, except as otherwise provided in this act, there shall be elected at the primary elections on such day either the members of all general committees elected from such cities or villages, or the members from such cities or villages of the conventions or committees by which members of the general committees are to be appointed, and in such cities and villages the rules of the party may determine whether members of general committees shall be elected at primary elections or by conventions or committees the members of which shall be elected on the annual primary day as above provided, or by conventions or committees which shall have been chosen by delegates who shall have been elected on the annual primary day as above provided. The times when committees elected at primary elections shall take office shall be determined by the rules and regulations of the respective parties, except that such time shall not be later than the first day of January succeeding their election. On the day fixed by the rules and regulations, constitutions or by-laws of the party, the members of each general county committee or city committee shall meet and organize. They may proceed to make and adopt rules and regu-

lations, but unless so adopted, the rules and regulations adopted by the last preceding county or city committee of said party in said county or city shall remain in full force and effect until repealed or amended in accordance with the provisions of this act. Members of committees shall be apportioned among the various units of representation entitled to representation therein according to the rules hereinafter prescribed for the apportionment of delegates to conventions. Members of committees in villages shall be apportioned and shall hold office as shall be provided in the rules and regulations of parties. Each county or city committee and the officers thereof shall have all the power and authority and shall perform all the duties, in respect to the nominations of officers to serve at general elections, conferred upon the general committee, the county committee, the city committee, the executive committee, or the officers thereof, given to any party in such city or county by section twelve of the election law. (*Thus amended by chap. 167, Laws of 1901, and chap. 595, Laws of 1903.*)

Subdivision 2. The rules and regulations of parties, and of the conventions and committees thereof, shall not be contrary to, or inconsistent with, the provisions of this act, or of any other law, and shall not be amended except upon reasonable notice. Every political committee shall, within three days after its organization, file with the proper custodian of primary records a certificate specifying the names and addresses of its chairman and secretary, and shall within the same period of time after its adoption file with said custodian a transcript of every rule and regulation of said party in said county and of every amendment thereof duly certified in like manner. The rules and regulations of a party may prescribe the amount of annual dues to be paid by each member of such committee to such committee, for the purpose of defraying the expenses thereof, and may contain a provision precluding any member who may fail to comply therewith, from participating in the meetings of such committee.

§ 10. Conventions.— The delegates to every party convention in and for any political subdivision, chosen in any city or village to which this act is applicable, shall be apportioned among the units of representation in such city or village as nearly as pos-

sible upon the basis of the number of votes cast therein for the party candidate for governor at the last preceding general election, except that in any county which is not wholly included within the boundaries of a city of the first class, the general committee of the party may, by its rules and regulations, continue any existing system of representation in conventions. The general committee of any party may also by its rules and regulations apportion the voting power of the delegates to a convention in accordance with such vote for governor. If the boundaries of any political subdivision serving as units of representation shall have been changed since the last preceding general election at which a governor was elected, the party vote for governor at such election within the limits of such newly constituted units of representation shall be estimated as closely as possible and the apportionment of delegates shall be made in accordance with such estimate. The room designated for the meeting place of any convention shall have ample seating capacity for all delegates and alternates. Every convention shall be called to order by the chairman of the committee with whom the call originates or by a person designated in writing for that purpose by such chairman, and such chairman or person so designated shall have the custody of the roll of the convention until it shall have been organized. No convention shall proceed to the election of a temporary chairman or transact any business until the time fixed for the opening thereof has arrived and at least a majority of the delegates or respective alternates named in the official roll shall be present. The roll-call upon the election of temporary chairman shall not be delayed more than one hour after the time specified in the call for the opening of the convention, provided a majority of the delegates are present. The temporary chairman of the convention shall be chosen on a call of the roll, and as the name of each delegate is called he shall rise in his place and declare his choice for such officer. The person who calls the convention to order shall exercise no other function than that of calling the official roll of the delegates upon the vote for temporary chairman and declaring the result thereof. The committees of a convention shall be appointed by the convention, or by the temporary chairman, as the convention may order. Unless the convention shall otherwise order, the permanent chairman shall be chosen on roll-call. The permanent officers shall keep the records of the convention, and, within forty-eight hours after the

adjournment thereof, shall certify and file the same in the office of the custodian of primary records. Before entering upon their duties, the temporary and permanent chairman of every convention, and the chairman and members of any committee on contested seats therein, shall respectively take an oath to faithfully perform the duties of their offices, which oath may be taken before any officer authorized by law to administer an oath, and shall form a part of, and be filed with, the records of the convention. Each convention shall decide all questions as to contested seats therein. All witnesses examined by or before such committee on contested seats shall be sworn by the chairman or a member thereof to tell the truth, the whole truth and nothing but the truth concerning the matters and things then being investigated by said committee. Any justice of the supreme court within the judicial district in which a convention is about to be held or any county judge of a county in which a convention is about to be held, shall have power, upon application in writing duly verified, stating the purpose and object thereof, to issue a subpoena to any elector applying therefor, requiring any person within the same county or city in which a convention is about to be held, to appear before such convention and testify before a committee on contested seats thereof when appointed concerning any matter which may be investigated by said convention or committee and to produce thereat public records or records of a primary election or a convention of the party of which such convention is about to be held. Such justice or judge shall issue such subpoena upon sufficient ground being shown therefor, but he may deny the application if he deems it frivolous or scandalous. Witnesses attending pursuant to such subpoena shall be paid by the applicant the same fees which witnesses are entitled to receive upon trial of an action in a court of record. Any elector desiring to contest the right of any other elector to his seat in a convention shall file with the custodian of primary records a notice of such contest stating the name and residence address of the person whose seat is to be contested, at least forty-eight hours before the time fixed for holding such convention; provided that if a convention is called to be held in less than forty-eight hours from the closing of the polls of the primary election such notice shall be served on the temporary chairman of the convention instead. It shall be the duty of said custodian of primary records to transmit a copy of such notice of contest to the person whose

seat is to be contested, either by personal service upon him or through the mail, within twenty-four hours after the receipt of such notice. All oaths administered under the provisions of this act are hereby declared to be oaths required by law, and to be necessary for the ends of public justice. The rules and regulations of the party may prescribe the method of substituting delegates in conventions. No convention, composed of delegates elected in accordance with this act, shall be held until after the primary day on which delegates thereto or delegates to conventions to elect delegates thereto shall have been elected.

§ 11. Jurisdiction of, and review by, the courts.— Any action or neglect of the officers or members of a political convention or committee, or of any inspector of primary election, or of any public officer, or board, with regard to the right of any person to participate in a primary election, convention, or committee, or to enroll with any party, or with regard to any right given to, or duty prescribed for, any elector, political committee, political convention, officer or board, by this act, shall be reviewable by the appropriate remedy of mandamus or certiorari, as the case may require. In addition thereto, the supreme court, or any justice thereof within the judicial district, or any county judge within his county, shall have summary jurisdiction, upon complaint of any citizen, to review such action or neglect. Such a complaint shall be heard upon such notice as the said court or justice or judge thereof shall direct. In reviewing such action or neglect, the court, justice, or judge shall consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision and order as, under all the facts and circumstances of the case, justice may require. For any of the purposes of this section, service of a writ of mandamus, certiorari, order or other process of said court or justice or judge thereof upon the chairman or secretary of such convention, committee, or board, shall be sufficient.

§ 12. Nomination of candidates at primary elections.— In case the general committee representing a party in any city or village to which this act is applicable, or in a county wholly within any such city, or in a borough of any such city, shall adopt, by a majority vote, a rule that the nomination of that

party's candidates for specified public offices to be filled wholly from such subdivision shall be made at the primary elections of the party, then so long as such rule remains in force, the nomination of that party's candidates, for the public offices specified in such rule, shall be made by the enrolled members of the party at the official primary elections of the party held on the annual primary day. Such rule shall be adopted at least thirty days prior to said annual primary day and published, in the manner in which notices of primary elections are required to be published by this act, at least twenty days before such primary election. In case nominations for city or ward offices are made in primary election districts under a rule adopted as prescribed in this section, certificates showing the result of the votes for the several candidates for nomination in the several districts shall be made by the boards of inspectors thereof and filed in the office of the custodian of primary records who shall determine from such certificates the persons nominated for such offices. (*Thus amended by chap. 202, Laws of 1900.*)

§ 13. Application of provisions to political parties.

— The provisions of this act shall apply to all political parties. (*Thus amended by chap. 296, Laws of 1907.*)

§ 14. Application of this act to cities of the third class and villages.— No city of the third class or village shall be subject to the provisions of this act, unless the general committee for the county in which such city or village is situated, of each party entitled to be represented by inspectors of election in such city or village, shall have adopted a resolution declaring that they desire to come in under the provisions of this act, and shall have filed, on or before the first day of July, in any year, a duly attested copy thereof with the secretary of state and with the county clerk of such county; or unless the electors of such city or village shall have voted at a general election to come in under this act. In such case such city or village shall be subject to the provisions of this act on and after the first day of registration next succeeding, and the custodian of primary records shall provide the necessary enrollment books prior to such day. The question whether or not any such city or village shall come in under this act shall be submitted to the electors thereof whenever the

general committee of either of said parties, for the county in which such city or village is situated, shall by resolution request such submission and shall file a duly attested copy of such resolution with the secretary of state and with the county clerk, not less than sixty days before any general election, or whenever not less than sixty days before any general election the electors of any city or village to which this act is applicable equal in number to at least one-tenth of the votes cast therein at the next preceding election for state officers shall by a petition similar in form and manner of execution to the petition required by the election law for independent nominations, request the mayor of such city or the board of trustees of such village to submit the question whether this act shall be made applicable to such city or village to the electors thereof at a general election; in either of which cases it shall be the duty of the proper council or board or other officers of such city or village to provide by ordinance, resolution or otherwise, for the submission of such question to the electors thereof at the next ensuing general election; and such submission shall so far as possible, be made in the manner now prescribed by law for submitting proposed amendments to the constitution of the state to the electors thereof. A similar procedure shall take any such city or village which has so elected to come within the provisions of this act out of such provisions and make them thereafter no longer applicable to such city or village; but if the decision to come under this act was made at a general election, such decision can be changed only at a general election.

§ 14-a. Application to certain cities of the second class.— If in a city of the second class the electors were not enrolled pursuant to the primary election law on the days for registration in nineteen hundred and five, the provisions of such act in relation to the holding of primary elections shall not apply to such city prior to the general election in nineteen hundred and six, but primary elections shall continue to be held in such city in the manner in which such elections were held before such city became a city of the second class. The provisions of the primary election law requiring the enrollment of electors shall apply to such city on the registration days in the year nineteen hundred and six and subsequent to the general election in that year all the provisions

of the primary election law shall apply to such city. (*Thus added by chap. 466, Laws of 1906.*)

§ 15. Repealing clause.— All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as they apply to the parties and in the places to which this act is, or shall be applied; except that nothing herein contained shall be construed as preventing the use of the existing original enrollment books at any primary election held prior to the first day of January in the year nineteen hundred, and said enrollment books shall continue and be used at all primary elections held under the provisions of this act prior to that time, provided, however, that in case new enrollment books shall have been prepared by the custodian of primary records, pursuant to the provisions of subdivision nine of section three of this act, such new enrollment books shall be used at all such primary elections.

TOWN ENROLLMENT ACT.

L. 1902, Chap. 195.—An Act to Provide for the Enrollment of Members of Political Parties in Towns.

Application of act.— Section 1. This act shall not apply to any of the counties embraced within Greater New York, nor to cities of the second or third class, nor to any village which shall be or become subject to the provisions of chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, entitled “An act to amend chapter one hundred and seventy-nine of the general laws of eighteen hundred and ninety-eight, entitled ‘An act in relation to the enrollment for political parties, primary elections, conventions and political committees,’ relative to the enrollment for and holding of primary elections.” In any county of the state, other than those embraced within Greater New York, it shall become applicable, and govern and control the enrollment of the members of any political party in the several towns of the county, except as above specified, from the first day of September, succeeding the adoption by a majority vote of the general committee of the party, which shall include the affirmative vote of a majority of all the members thereof elected from the towns of said county, and filing in the office of the clerk of the county, of a resolution in writing, declaring that the members of such party shall thereafter be enrolled as herein provided; but shall not affect any primary election held prior to the first day of January next thereafter, and in any such county the general committee of any party to which this act may be so applicable, may similarly adopt and file a resolution rescinding such declaration, and thereafter the application of this act in any such county shall cease. This act shall not apply to the counties of Allegany, Broome, Cattaraugus, Chautauqua, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Genesee, Greene, Livingston, Madison, Montgomery, Nassau, Oneida, Onondaga, Orange, Orleans, Oswego, Putnam, Rensselaer, Rockland, Saint Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk,

Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester and Yates. (Thus amended by chap. 498, Laws of 1906.)

Enrollment book.—§ 2. In any county to which this act shall so become applicable, the clerk of the county shall cause to be prepared, on or before the fifteenth day of September in each year, enrollment books to the number of two for each election district in the several towns of the county, which shall be so arranged that the names of all electors of the election district may be inscribed therein alphabetically. There shall be fourteen columns in each page: The first for the surnames of the electors; the second for the christian names of the electors; the third for the word "yes," if the elector be enrolled by the election inspectors upon their own knowledge; the fourth for the name of any elector making oath to the party affiliation of any other elector; the fifth for the name of the party with which an elector is enrolled; the sixth for an entry to show enrollment by certificate; the seventh for the record of any alteration of enrollment, transfer, or striking from the enrollment the name of any elector; the eighth for the word "voted," in case the elector votes at the first official primary election of the year; the ninth for a record as to challenges, in case of challenge thereat; the tenth and eleventh for similar entries, in case he votes at the second official primary election of the year; the twelfth and thirteenth for similar entries, in case there be a third official primary election, or an unofficial primary election; and the fourteenth for any remarks not provided for in any of such other columns. Said books with proper instructions shall be delivered by the said clerk to the election inspectors of the respective election districts in said towns immediately before the first day of registration in each year.

Entry in enrollment books; duties of election officers.—§ 3. It shall be the duty of the election inspectors of the respective election districts in said towns, on the days on which they shall prepare the register of electors in said election districts respectively, and at the same time, to enter in the said enrollment books the name of every elector registered by them, for the purpose of voting at such election, whose political affiliation shall be personally known to them, and after the name of each such elector

to enter in the third column the word "yes" to indicate such enrollment by them, and in the fifth column the name of the party with which he is so enrolled, and if it shall be shown to them by any duly registered elector of such district, under oath, that any other elector so registered by them, whose party affiliation is not personally known to them, is actually affiliated with any party, it shall be their duty to enter the name of such other elector in said enrollment books and after the name of such elector, in the fourth column, the name of the elector so making oath, and in the fifth column the name of the party with which such elector shall testify that such other elector is affiliated. At the close of the last day of registration the said inspectors of election shall make and sign a certificate that said enrollment lists so prepared by them contain a correct and true statement of the names of all duly registered electors of said election district who are personally known to them to be affiliated with any political party, or who may have been shown to them, by the oath of any duly registered elector, to be so affiliated with any party, and within twenty-four hours thereafter the chairman of said board of election inspectors shall file one of said enrollment lists with the town clerk of the town containing such election district, and the other of said enrollment lists with the said county clerk. The town clerks of the several towns shall at all times keep on file the blank forms described in sections four, five and six hereof in sufficient quantities for the use of the electors of the town.

Special enrollment; statement to be filed; change of party; when name to be stricken from list.—§ 4.

At any time prior to July first thereafter, except during the thirty days preceding a primary election day, any elector who was so duly registered as an elector in any of said towns, but who was not enrolled with any party, may become specially enrolled in, and have his name added to, the enrollment list so filed with the county clerk of any party in the election district in which he then resided and still resides, by making and acknowledging before any officer authorized by law to take the acknowledgment of deeds to be recorded in this state, and filing or causing to be filed with the said county clerk, a statement embodying a declaration in the following form: "I, (.....) do solemnly declare that I reside in (.....) and am a duly qualified elector of the (.....)

election district of said town. That at one of the last preceding days of registration I was duly registered as an elector in said election district, but was not enrolled, and I request that I be specially enrolled with the (.....) party. That I am in general sympathy with the principles of the (.....) party. That it is my intention to support generally, at the next general election, the nominees of such party, and that I have not been enrolled with, nor participated in, any primary election or convention of any other party since the first day of last year." And any elector in any of said towns who has been so enrolled with any party, but who has been enrolled with a party other than that with which he is actually affiliated, may have his party affiliation changed upon the enrollment list so made, by striking out the name of the party with which he is so wrongfully described to be affiliated and inserting the name of the party with which he may declare he is affiliated, by similarly making, acknowledging and filing or causing to be filed a similar statement in all respects, except that he shall declare that he was so wrongfully enrolled and request that his party affiliation be so changed. And any elector in any of said towns who has been so enrolled with any party but who desires to be not enrolled as affiliating with any party, may have his name stricken from the enrollment list as so made, by similarly making, acknowledging and filing or causing to be filed a statement, embodying a declaration in the following form: "I, (.....) do solemnly declare that I reside in (.....) and am a qualified elector of the (.....) election district of said town. That at one of the last preceding days of registration I was duly registered as an elector in said election district and was enrolled with the (.....) party, and I request that my name be stricken from said enrollment list and be not borne thereon as affiliated with any party." Upon the filing of any such statement, the said county clerk shall cause the request contained in such statement to be complied with, by adding the name of the elector, by changing the party affiliation, or by striking out the name of any enrolled elector, as the case may be, in the enrollment list filed with him for the proper election district and recording in the proper column thereof the reason therefor.

Enrollment of voters who became of age after preceding election.—§ 5. Any elector in any of said towns who

shall have become of age after the last preceding general election, may at any time other than during the thirty days next preceding a primary election day, become specially enrolled in, and have his name added to, the enrollment list so filed with the county clerk, of any party in the election district in which he resides by similarly making, acknowledging and filing or causing to be filed with the county clerk a statement embodying the declaration first set forth in the last section, except that instead of the words indicating that the elector was registered on one of the last preceding days of registration but was not enrolled, words indicating that he has become of age since the last preceding general election shall be used. Upon the filing of such statement, the said county clerk shall enroll such elector in the enrollment list filed with him for the proper election district and shall record in the proper columns thereof the name of such elector, the party with which he is enrolled, the fact and date of such special enrollment, and the fact that he has become of age since the last preceding general election.

Effect of change of residence.—§ 6. If after being enrolled as a member of a party in one election district, either by original enrollment or by transfer, an elector shall move into another election district in said county, he may at any time between the first day of January of any year and the thirtieth day before any primary election day, become enrolled therein as a member of the same party, by making, acknowledging and filing, or causing to be filed, with the county clerk, a statement specifying the name of the party with which, and the election district in which, he is enrolled, and the election district into which he has removed, and stating that he resides in the last mentioned election district and desires to be enrolled therein as a member of such party. Upon the filing of such statement, the said county clerk shall enroll the name of such elector in the enrollment list filed with him for the proper election district, specifying the district from which he is transferred, and shall also make a minute, opposite the entry of his name, in the enrollment list filed with him of the election district from which he has removed, showing the election district to which his name is transferred.

County clerk to compile enrollment lists.—§ 7. The said county clerk shall annually thirty days prior to each primary

election day, from the said enrollment lists so filed with him, compile enrollment lists for each party to which this act shall then be applicable, of all the enrolled electors of such party in each of the towns of said county, and annex thereto a certificate, under his hand and seal, that the same is a correct and true transcript from the enrollment lists of such party so filed with him, and the changes and alterations therein, of the several election districts comprising such town, and deliver one set of each such lists to the chairman of the general committee of each such party. Such enrollment lists shall conform in all respects to the form of the enrollment lists so filed with him, and all entries in such original enrollment lists shall be shown thereon, except that the names upon such lists shall be arranged in alphabetical order, and each such list shall contain all the names of the duly enrolled electors of such party in the town to which it appertains.

Enrollment lists, when to take effect.—§ 8. The enrollment lists prepared by the election inspectors and so filed with said county clerk shall go into effect on the first day of January following the days of registration on which they were begun, and shall, with any additions or alterations made as herein provided remain in force until the first day of the following January, when they shall be superseded by the new enrollment lists, begun as herein provided.

Who may be enrolled.—§ 9. Only electors who were duly registered or who shall have become of age after the last preceding general election, shall be entitled to be enrolled. Only electors duly enrolled as herein provided shall be entitled to participate in the primary elections of the party to which this act shall then be applicable, and no elector so enrolled shall take part in any primary election of any party other than the party with which he shall at the time be so enrolled.

Lists and statements public records; duties of county clerk.—§ 10. The enrollment lists herein provided, and any statements filed relating thereto, shall be public records and open for inspection and copying at any time by any person. It shall be the duty of the said county clerk to certify to the correctness of any transcript of any such enrollment lists, or of any part

thereof, on the payment of one cent for every twenty names contained therein, and the fees received by him therefor shall be paid to the county treasurer except in counties where the county clerk is not a salaried officer. And the said county clerk shall give to any elector enrolled or transferred as herein provided, a certificate of enrollment or transfer, upon request, which shall specify the name of the party with which he is enrolled, the date of enrollment or transfer, and the election district from which such elector is enrolled or to which he has been transferred.

Primary elections, how conducted; challenges.—

§ 11. Primary elections in the said towns, notice thereof, and the manner and method of conducting the same, shall continue to be held and governed in the manner provided by law and the rules and regulations of the general committees of the respective parties in said county, except as herein provided, and except that any enrolled elector may be challenged at any time before his ballot is cast, and upon such challenge the chairman presiding at such primary shall forthwith put to him, on oath or affirmation, the following questions:

Are you (using the name by which he is enrolled) ?

Do you reside, and have you for thirty days past, resided in the town of (naming the town containing the election district in which he is enrolled) ?

Are you affiliated with, and do you intend generally to support the candidates of the party (naming the party holding the primary at which such elector offers to vote) ? And unless all of such questions be answered in the affirmative, the vote of such elector shall, notwithstanding his enrollment, be rejected.

The said general committees may make and provide such further rules and regulations as may be necessary to give effect to this act.

Review of action of county clerk.—§ 12. Any action or neglect of any inspector of election, or of the said county clerk, with regard to the proper enrollment of any person as herein provided, shall be reviewable by the proper remedy of mandamus or certiorari, as the case may be, and in addition thereto the supreme

court, or any justice thereof, within the judicial district containing the county or the county judge or special county judge of said county, shall have summary jurisdiction, upon complaint of any citizen, to review such action or neglect, and such court, justice, judge, or special county judge, may consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision or order as, under all the facts and circumstances of the case, justice may require.

Expense a town charge.—§ 13. The expenses of making such enrollment lists shall be charged respectively upon the towns for which the same are made.

Misdemeanor.—§ 14. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Action by county committee; first enrollment.—

§ 15. In any county to which this act may apply as provided in section one hereof, it may be made applicable to all primary elections of a party to be held in the towns therein subsequent to July first, nineteen hundred and two, by the adoption by the general committee of the party and the filing thereof as provided in section one, within twenty days after this act takes effect, of a resolution declaring that the members of such party shall be enrolled for the primary elections to be held in such county during the year nineteen hundred and two, and thereafter, as provided in this act. And for the purpose of holding such primary elections during the present year there shall be a special enrollment day upon the second Tuesday in May, nineteen hundred and two, upon which day the election inspectors shall meet in the respective places where the last general election was held, or if the same be impracticable, in such places as shall be provided in the same manner as places for holding general elections are now provided, and proceed to make an enrollment of the electors in their several election districts in the manner herein provided, for which purpose the county clerk shall furnish them with the necessary enrollment books and instructions, and the same procedure shall be had with reference to additions or alterations therein as is herein provided for the enrollment books begun upon the regular days

of registration. And the enrollment lists so filed and prepared by ~~said county clerk, with the additions and alterations~~ therein, shall become and be the enrollment lists for such official primary elections of such party for the present year; and thereafter shall be superseded by the regular enrollment lists of such party begun and completed as hereinbefore provided.

§ 16. This act shall take effect immediately.

METROPOLITAN ELECTIONS DISTRICT LAW.

¹⁰ *United States v. Bunker*, 100 F.2d 820, 822 (1938) (citations omitted).

Chapter 689, Laws of 1905. An Act to amend chapter six hundred and seventy-six of the laws of eighteen hundred and ninety-eight, entitled "An act to create a metropolitan elections district; provide for the appointment of a state superintendent therein, and to prescribe his powers and duties," generally.

Became a law, June 2, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and seventy-six of the laws of eighteen hundred and ninety-eight, entitled "An act to create a metropolitan elections district; provide for the appointment of a state superintendent therein, and to prescribe his powers and duties," as amended by chapter four hundred and ninety-nine of the laws of eighteen hundred and ninety-nine and chapter six hundred and eighty-four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 1. Metropolitan elections district.—The counties of New York, Kings, Queens, Richmond and Westchester are hereby constituted a metropolitan elections district for the purpose of all elections for state officers hereafter to be held herein.

§ 2. State superintendent of elections, chief deputy and assistants.— The governor, within ten days after this act takes effect, shall appoint an officer, by and with the advice and consent of the senate, to be known as "the state superintendent of elections for the metropolitan elections district." He shall be a resident of one of the aforesaid counties and shall hold office for the term ending December thirty-first, nineteen hundred and two. His successor shall be appointed for the full term of four years, and all terms shall expire on the thirty-first day of December.

Vacancies shall be filled for the remainder of the unexpired term. Such superintendent may be removed from office in the same manner as a sheriff. He may appoint a chief deputy without nomination, a clerk, a secretary and a stenographer, and remove them at pleasure.

§ 3. Powers of superintendent, clerk and deputies.

— Such state superintendent of elections and each deputy appointed by him, shall possess and exercise all the powers vested in a sheriff, as a conservator of the peace, either by statute or common law. The clerk, appointed by the state superintendent of elections pursuant to the provisions of this act shall have power when directed by the state superintendent of elections, to administer oaths and affirmations required by law, or by any order, rule or regulation of the state superintendent of elections, for or in connection with the appointment and qualification of deputy superintendents of elections appointed pursuant to the provisions of sections four and five of this act.

§ 4. Deputies; appointment, qualification, terms, etc.—

Such superintendent may appoint not exceeding four hundred deputy superintendents of elections for the metropolitan elections district for service in the counties mentioned in the first section of this act, and administer, or cause to be administered to them the oath of office. On or before the fifteenth day of August said state superintendent shall notify the chairman of each county committee representing a political party in such county in said metropolitan elections district entitled to representation in local election boards therein, that each such party is entitled to nominate one-half the number of deputies to be appointed, and shall in such notification specify the number to be nominated by the party so notified, and that written nominations for such appointment will be received by him on or before a specified date. A deputy state superintendent must possess the qualifications of election officers required by the election law, except that he need not be a resident of the election district in which he serves. Each such chairman of a county committee may present to the state superintendent a list containing the number of names specified in the notice given by the superintendent to the said chairman, and appointments shall be made from such lists or from a supple-

mental list as herein provided. One-half of the appointments so made shall be made from each of the parties making such nomination; provided, however, that all persons so appointed shall possess the qualifications required by law. All persons so proposed for appointment may be examined as to their possessing the qualifications required by section eleven of the election law, by or under the direction of the state superintendent, who shall give five days' notice in writing of such proposed examination to the person to be examined, and also to the chairman of the committee or other person by whom the list was filed and authenticated, and such chairman or other person may appear and be heard on such examination, either in person or by counsel. If a person so nominated is not examined, or if after examination he is found qualified, under section eleven of the election law, he shall be appointed. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the superintendent within three days after such disqualification is determined by him, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated; and such chairman or other person may thereupon file a supplemental list containing the names of persons nominated to fill such vacancies. Additional supplemental lists may also be filed from time to time on notice by the superintendent, until all the appointments to which a party is entitled are made. Any vacancy occurring by disqualification or otherwise shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no original list, nor a supplemental list after notice, the appointment may be made without such lists, and without nomination. The term of office of a deputy superintendent appointed under this section shall expire on the thirty-first day of December of the calendar year in which he is appointed.

§ 5. Additional deputies.— The superintendent, whenever he deems it necessary, may appoint, without nomination, and at pleasure remove, not more than one hundred and fifty additional deputies, to be employed by him in enforcing the provisions of this act. Deputies appointed under this section shall not as such be entitled to attend at the polling places on election

day, but in all other respects possess the same powers and are charged with the same duties as other deputies appointed under this act.

§ 6. Control and powers of deputies; refusal to furnish information.— All deputies appointed under this act shall be subject to the direction and control of the state superintendent, and he may assign them to any election district in the metropolitan elections district. Such deputies, when directed by the state superintendent shall, or on their own motion, or on complaint of any citizen of the state may:

1. Investigate all questions relating to registration of voters, and for that purpose shall have power to visit and inspect any house, dwelling, building, inn, lodging-house or hotel within the metropolitan district, and interrogate any inmate, house-dweller, keeper, care-taker, owner, proprietor or landlord thereof or therein, as to any person or persons residing or claiming to reside therein or thereat.

2. Arrest any person without warrant who in his presence violates or attempts to violate any of the provisions of the election law or the penal code relating to crimes against the elective franchise.

3. Execute warrants of arrest and take into custody the person or persons named in such process.

4. Inspect and copy any books, records, papers or documents relating to or affecting the election or the registration of electors.

5. Require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to such deputy.

Any person who neglects or refuses to furnish any information required or authorized by this act, or to exhibit records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a misdemeanor.

§ 7. Aid and assistance of persons and public officers.— The state superintendent, or any deputy, may call on any person to assist him in the performance of his duty; and he may also call on any public officer who by himself or his assistants, deputies or subordinates shall render such assistance as may be required. Any such person, public officer, deputy or subordinate

who shall fail, on demand of the superintendent or any deputy, to render such aid and assistance in the performance of his duty as he shall demand, or who shall wilfully hinder or delay, or attempt to hinder or delay such superintendent or deputy, in the performance of his duty, shall be guilty of a felony and shall upon conviction thereof be sentenced to imprisonment in a state prison for a period of not more than three years; and if a public officer, shall, in addition to such imprisonment, forfeit his office. A member of a uniformed police force and every sheriff, deputy sheriff and election officer shall, for the purpose of this act, be deemed a public officer. The state superintendent shall have power to issue subpoenas for the purpose of investigating any matter within his jurisdiction and of aiding him in enforcing the provisions of this act, such subpoenas to be issued in the name of the state superintendent. He may in proper cases issue subpoenas duces tecum. A subpoena issued by the state superintendent of elections may be served by the said superintendent or by any deputy appointed by him or by any police or peace officer within the metropolitan elections district. Any person who shall omit, neglect or refuse to obey a subpoena attested in the name of the state superintendent and made returnable at one of the offices or branch offices of the superintendent, or who shall refuse to testify under oath before him or his chief deputy, or other deputy duly designated, by the superintendent, pursuant to the provisions of this section, is guilty of a misdemeanor. The superintendent, his chief deputy and not more than ten deputies duly designated by the superintendent for that purpose, under his hand and seal of office, are hereby authorized and empowered to administer oaths and affirmations in the usual appropriate forms, to any person in any matter or proceedings authorized as aforesaid, and in all matters pertaining or relating to the elective franchise and to take and administer oaths and affirmations in the usual appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulations of the superintendent for or in connection with the official purposes, affairs, powers, duties or proceedings of said superintendent or deputies or any official purpose lawfully authorized by said superintendent. Any person who shall make any false statement under oath before the state superintendent, his deputy, or other deputy authorized to take oaths, as herein provided, is guilty of a felony.

§ 8. Attendance and duties at polling places.— The state superintendent may attend at any election, and each deputy superintendent shall, on election day, attend the election at the polling place to which he is assigned. The state superintendent shall assign an equal number of deputies from each of the parties entitled to nominate deputy superintendents at every polling place where such deputies are assigned by him. The state superintendent and each deputy shall be admitted at any time within any polling place and within the guard-rails thereof. It shall be the duty of the superintendent and of each deputy during the election to preserve order and arrest any person violating or attempting to violate the election law or any provision of the penal code relating to the elective franchise.

§ 9. Duties of lodging house and hotel keepers, chief of police and heads of certain departments.—

It shall be the duty of every landlord, proprietor, lessee or keeper of a lodging house, inn or hotel, in the metropolitan elections district, to keep a register in which shall be entered the name and residence, the date of arrival and departure of their guests and the room or rooms occupied by them, and such landlord, proprietor, lessee or keeper shall make a sworn report upon a blank to be prepared and furnished by the state superintendent twenty-nine days before the election next ensuing to the said superintendent of elections, which report shall contain a detailed description of the premises so used and occupied as a lodging house, inn or hotel, including the size and character of building, and in case only part of a building is so used, a statement as to what part of said building is so used, and also if there be more than one building on the premises, which particular building is so used, and the names of the lodgers therein and all employees and all other persons living therein including the landlord, proprietor, lessee or keeper and members of his family, who claim a voting residence at or in such lodging house, inn or hotel, together with the length of time they have been regularly lodging or living therein, state the beginning thereof, the color, age, height, weight, color of hair, marks on face or hands, the complexion of and any distinguishing marks or features of face or body whereby such persons may be identified, the place of their nativity, the occupation of and place of business of such persons and designating the room

occupied by such person, and whether such person is a guest, landlord, proprietor, lessee or keeper, or member of the family of the landlord, proprietor, lessee or keeper. To the end that the sworn report herein required shall truly set forth the facts therein stated, it shall be the duty of the said landlord, proprietor, lessee or keeper to question each male person lodging or living in such lodging house, inn or hotel as to his intention of claiming such place as a voting residence, and such person shall thereupon declare his intention thereof, and if he shall claim such place as his voting residence he shall give to such landlord, proprietor, lessee or keeper the facts regarding himself as are required to be incorporated in the sworn report herein provided for. Any such landlord, proprietor, lessee or keeper or any lodger who shall violate this provision shall be deemed guilty of a misdemeanor. If any person, other than the keeper or members of his family, shall claim a voting residence in a building or part of the building used as an hotel, within three months of a general election, in which building or part of the building the business of trafficking in liquors is conducted under a liquor tax certificate issued under subdivision one of section eleven of the liquor tax law, the holder of such certificate shall furnish to the state superintendent of elections, whenever the superintendent shall require him so to do, an affidavit properly acknowledged and signed before a notary public, in which the holder of such certificate shall state whether he and such building have conformed to and at the time of making the affidavit do conform to all the requirements of the laws, ordinances, rules and regulations relating to hotels and hotel keepers, including all laws, ordinances, rules and regulations of the state or locality pertaining to the building, fire and health departments in relation to hotels and hotel keepers and that such building is or was within three months of the said election used as an hotel. If for any reason the said building or part of the building used as an hotel shall be devoted to other than hotel purposes within three months of said election the holder of such liquor tax certificate shall state in such affidavit for what purpose such building or part thereof formerly used for hotel purposes is then used, and, if the same has been sublet to any person, he shall so state, giving the terms of said lease, and the name of the lessee. Any

holder of a liquor tax certificate required to make such affidavit by the said superintendent who shall refuse, fail or neglect to make and file the same forthwith with the superintendent is guilty of a misdemeanor. Any holder of a liquor tax certificate who shall incorporate any false statement in any sworn report or affidavit to the superintendent of elections is guilty of perjury and in addition to suffering the penalty prescribed by law for such crime shall forfeit his liquor tax certificate and shall be deprived of all rights and privileges thereunder and of any right to a rebate of any portion of the tax paid thereon, and shall be debarred from trafficking in liquors for a period of five years from the date of his conviction. Any report or affidavit herein required shall be acknowledged and sworn to before a notary public or commissioner of deeds, and shall be filed personally by such landlord, proprietor, lessee or keeper or by registered mail with the said superintendent of elections at his office. Whenever the state superintendent of elections shall require it shall be the duty of the chief of police and the respective heads of the departments of buildings, fire and health to forthwith make a report in writing to the said superintendent of elections of every building or part of a building in such city in which the business of trafficking in liquors is conducted under a liquor tax certificate issued under subdivision one of section eleven of the liquor tax law, showing the location thereof by street and number, election district and assembly district or ward, the character of such business, as declared by the holder of the certificate, specifying whether it be an hotel, restaurant, saloon, store, shop, booth or other place and the name of the holder of such certificate, and if the place be an hotel the report shall state whether or not the building and holder of the certificate conforms to all the laws, ordinances, rules and regulations of the state or locality including the laws, ordinances, rules and regulations of the building, fire and health departments in relation to hotels and hotel keepers.

§ 10. Lists of enrolments on registration days.—
In any city within the metropolitan elections district, the board of inspectors of each election district shall on each day of registration transfer to cards, to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state

superintendent of elections, a complete copy of the name of each person registered or enrolled in their respective districts, together with all of the answers made and information given by the person registered, at the time of registration, and which said cards, enclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered, to the police, who shall forthwith deliver the same to the state superintendent of elections at his office.

§ 11. Removal of deputies.— The state superintendent of elections may remove at any time for cause a deputy appointed by him and shall employ in his place a member of the same political party, which appointment shall be made in the same manner as the original appointment. This section shall not apply to the chief deputy superintendent, nor to the deputies authorized in section five of this act.

§ 12. Salaries and expenses.— The annual salary of the state superintendent of elections shall be five thousand dollars; of his chief deputy, four thousand five hundred dollars; of the clerk, eighteen hundred dollars; of the secretary, two thousand dollars; of the stenographer, fifteen hundred dollars; of not more than fifty of the deputies appointed under section five of this act, twelve hundred dollars each; of not more than fifty of the deputies appointed under section five of this act, nine hundred dollars each; payable monthly. All other deputies shall receive five dollars for each day's service, not exceeding forty days for any one election, to be paid on the certificate of the superintendent or chief deputy, providing, however, that the superintendent may continue the services of such deputies not longer than December thirty-first of such year if he shall in his judgment deem it necessary so to do in order to prosecute any criminal actions in which said deputies shall be the complaining witnesses or if their services be, in his judgment, necessary to the proper completion of the work of the department. All salaries and other compensation

provided by this section shall be paid by the state treasurer on the warrant of the comptroller. The state superintendent may provide an office for his use and furnish it with needed furniture, stationery and supplies, and expend for such purpose and for his disbursements and expenses in discharging his duty and in carrying out the provisions of this act, not exceeding fifteen thousand dollars each year, to be paid by the state treasurer on the audit and warrant of the comptroller.

§ 13. Report to governor; rules.— The state superintendent of elections shall annually in the month of December file with the governor a report showing the names and residences of the persons appointed by him as deputies during the year, the number of days each has served, the compensation certified for each, the number of arrests made for violation of the election law or the penal code, the names of the persons arrested, the nature of the offense charged, the disposition thereof, and any other facts in relation to the administration of his office which the state superintendent may deem proper or which may be required by the governor. He shall make such rules for the control and conduct of his deputies as he may deem advisable not in conflict with law.

§ 14. Laws repealed.— All acts and parts of acts, general, local or special, inconsistent with the provisions of this act, are hereby repealed.

INSTRUCTIONS FOR GUIDANCE OF ELECTION OFFICERS AT GENERAL ELECTIONS.

The following brief instructions are not intended as a complete guide for election officers, but merely to point out where their more important duties may be found in the text of the election law.

GENERAL POWERS AND DUTIES.

Preliminary Duties.

One of the first preliminary duties of an election officer should be to familiarize himself with the boundaries of his election district, in order that he may be able to decide at once whether an elector, upon giving his place of residence, is entitled to be registered or entitled to vote in his election district. This knowledge may be obtained by application to the town or city clerk, or board of elections, where maps or certificates of the boundaries of election districts are required to be filed. See § 9.

Organisation of Boards of Inspectors.

The first duty to be performed by boards of inspectors is the registration of electors, and before entering upon that duty, the inspectors of each district shall meet and appoint one of their number chairman, or if the majority shall not agree upon such appointment, they shall draw lots for that position. See § 14.

Inspectors to Act as a Board.

In all proceedings of the inspectors acting as registrars, inspectors or canvassers they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide. See § 103, sub. 1.

Supplying Vacancies and Absences.

If at the time of any meeting of the inspectors, there should be a vacancy in any of the election offices, or any election officers should be absent, the offices should be filled, or absences supplied,

from the political party entitled to the vacant place, in the manner prescribed by law; and the person so appointed or designated to act as an election officer should immediately take the constitutional and statutory oaths, as prescribed by the election law. See § 14.

Preservation of Order by Inspectors.

The board of election inspectors and each individual member thereof have full authority to preserve peace and good order at all meetings of the board and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. See § 15.

REGISTRATION OF ELECTORS.

Meetings.

Before every general election in cities, except New York, or villages having 5,000 inhabitants or more, meetings for the enrollment of voters are to be held, namely: On the fourth Friday, fourth Saturday, third Friday and third Saturday before election, and in election districts other than in cities or such villages, two meetings are to be held, namely: On the fourth and third Saturday before the election. In New York city said registration days are the twenty-ninth, twenty-eighth, twenty-fourth and twenty-second days before election.

No inspector shall on any day of registration be absent during the hours fixed for enrolling the names of electors. See § 30.

Not more than two watchers of each political party or independent body entitled to file certificates of nominations may be present at such polling place, and within the guard rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration. See § 30.

Register of Electors.

Each inspector is required to make one copy of the register of electors, and he should not make any entry in any register but his own, or permit any other person to make an entry therein.

The copy made by the chairman of the board of inspectors, which is known as the "public copy of registration," is to be left

in a prominent position in the place of registration, from the first day of registration until election day. Each other inspector must carefully preserve his register and be responsible therefor until the close of the canvass of the votes on election day, except that in cities of the first class at the close of the last day of registration the chairman of the board shall take from an inspector of opposite political faith, the register made by such inspector and deliver it to the police for filing, as required by the election law, and the two other inspectors of opposite political faith shall each retain their respective registers of electors, for use on election day. See § 35, sub. 2.

Entries are to be made in the blank books for registration of electors, which books are to be delivered to the inspectors before the hour set for registering the names of electors on the first day of registration. Such books contain instructions which should be carefully read by each inspector before proceeding with the registration of voters, and in addition thereto, the inspectors are advised to carefully read the provisions of section 32, for full and complete instructions.

Qualifications of Electors.

The qualifications of an elector for the purpose of having his name placed on the register, are fully set forth in section 34, and should be thoroughly understood by the inspectors of election.

Challenges.

If an applicant for registration be challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to be enrolled, his name should not be entered on the register of electors unless upon examination under oath, the applicant shall prove to the satisfaction of the inspectors his right to be enrolled. Blank challenge affidavits are provided for each board of inspectors, which are to be filled out by the inspectors in every case of a challenge. If a member of the board shall have reason to suspect that the applicant is not entitled to have his name enrolled on the register, and if the applicant shall by his answers satisfy a majority of the board of inspectors of his right to be registered, they shall enroll his name; if not, they shall point out to him the qualifi-

cation which he lacks as an elector, and his name shall not be enrolled upon such register except as provided by section 31 of the election law, relating to the adding and erasing of names on the register. See § 34, sub. 6.

Duties at the Close of Registration Days.

At the close of each day's registration, each inspector is required to draw a line in ink immediately below the name of the elector last entered upon each page of his register; and upon the succeeding day of registration, he must enter the names of electors immediately under such lines. See § 35, sub. 2.

The inspectors must also, at the close of each meeting, sign the certificate contained in the last pages of each registration book, to the effect that such register as it now is, is a true and correct register of the names and residences of all the electors enrolled by them. See § 35, sub. 1.

Inspectors of each election district shall at the close of the last day of registration, certify to the officer or board charged with the duty of furnishing ballots, the total number of electors enrolled in such district and inspectors in districts within the metropolitan elections district, shall at the close of each day furnish the like information to the state superintendent of elections. Inspectors of each district in cities are required to furnish to the police at the close of each day of registration the total number of electors enrolled on such day in their respective districts. See § 35, sub. 3.

At the close of the last day of registration, the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received. See § 34, sub. 6.

Boards of inspectors of election districts in cities of the first and second class are required immediately after the close of the last day of registration to make and complete one list of all persons enrolled in their respective districts in numerical order of the streets and numbers thereof, which list shall be signed and certified by the board of inspectors, and delivered by the chairman of the board to the police captain of the precinct in which the election district is located, or to an officer thereof. See § 32, sub. 3.

At the close of the last day of registration in cities of the first class one of the registers should be filed as provided for in section 35, subdivision 2.

In any city within the metropolitan elections district, the board of inspectors of each election district shall on each day of registration transfer to cards to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendent of elections, a complete copy of the name of each person registered or enrolled in their respective districts, together with all of the answers made and information given by the person registered, at the time of registration, and which said cards, enclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered, to the police, who shall forthwith deliver the same to the state superintendent of elections at his office.

DUTIES ON ELECTION DAY.

Opening of the Polls.

Election officers are required to meet at the polling places of their respective districts not later than 5:30 a. m., and proceed to arrange the polling places for the orderly and legal conduct of the election. See § 100.

For manner of arrangement of polling places, see § 17.

Sealed packages containing official and sample ballots, instruction cards and stationery, are required to be distributed to each election district at least one-half hour before the opening of the polls of such election therein. The inspectors upon receiving such packages, shall give to the officer or board delivering the same a receipt therefor. See § 87.

If the official ballots required to be furnished shall not be delivered at the time required, the board shall cause unofficial ballots to be prepared as nearly in the form of the official ballots as practicable. See § 89.

The following duties shall be performed by the inspectors before opening the polls:

1. Open the sealed package of instruction cards, and cause them to be posted in the manner provided for by law.
2. Open the sealed package of official ballots and sample ballots and place them in charge of the ballot clerks.
3. Place the poll books in charge of the poll clerks.
4. Cause the distance markers to be placed at a distance of one hundred feet from the polling place.
5. See that the voting booths are supplied during the hours of voting with pencils having black lead only.
6. Unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and lock them up again while empty in such manner that the watchers present and the persons just outside the guard rail can see that such boxes are empty when they are relocked.
7. The election officers should be stationed as near each other as practicable within the enclosed space. See § 100.
8. Designate an inspector to receive ballots from the electors voting, and if a majority shall not agree to such designation, such position shall be filled by drawing lots. See § 103.
9. If at the opening of the polls or during the day of election there should be a vacancy in any of the election offices, or any election officer should be absent, such vacancies and absences should be filled at once. See § 14.

Proclamation of Opening of Polls.

The polls of every general election shall be open at six o'clock in the forenoon. See § 3.

One of the inspectors shall then make proclamation that the polls of election are open and of the time o'clock in the afternoon when the polls will be closed. See § 100.

The following form may be used, or any other that will meet the requirements of law:

"Hear ye! hear ye! hear ye! The polls of this election are opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election on pain of imprisonment. And all persons are

desired to take notice that the polls will be closed at five o'clock in the afternoon."

Watchers and Challengers.

Duly authorized watchers, two of each political party or independent body, upon the production of their credentials, should be admitted within the guard rail at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls, and may be present until after the announcement of the result of the canvass of the votes cast thereat, and the signing of the original statement of the canvass, and copies thereof, by the inspectors. See § 102.

A reasonable number of challengers shall be permitted to remain just outside the guard rail of each polling place, where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. (See § 102.

Delivery of Ballots to Electors.

Do not allow within the guard rail more than twice as many electors as there are voting booths thereat, in addition to the persons lawfully within such guard rail for other purposes than voting. See § 104.

Persons lawfully authorized to be admitted within guard rail are enumerated in section 101.

When an elector enters within the guard rail, after giving his name and residence, and age, if required by the inspectors, one of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct voice, and if such elector is entitled to vote thereat, and if there is no challenge, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall deliver to him a set of official ballots folded in the proper manner for voting. See § 104, sub. 1.

If it be an election for which electors are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks, ascertain whether he is duly registered, and the ballot clerks shall not deliver any ballots to such elector, until the inspectors announce that he is registered. See § 103, sub. 1.

The ballot clerks shall deliver the ballots in such order that the numerical order of the numbers printed on the stubs of the ballots delivered, shall be the same as the order of the successive deliveries thereof. The ballot numbered one on the stub being the first thereof, and so on. See § 103, sub. 2.

If, in addition there shall be any ballots of questions submitted; such ballots shall be delivered to the elector in such order that the number on the stubs of both ballots so delivered shall be the same. See § 103, sub. 2.

In case one of a set of ballots bearing the same number shall be found defective in printing, or mutilated, before the same is given to the elector, both ballots of that number shall have the stubs removed therefrom by the ballot clerks, and such ballots shall be deposited in the box for spoiled and mutilated ballots, and the stubs in the box for detached stubs; and a memorandum shall be made of the fact that such set was not delivered to the electors. See § 103, sub. 2.

The ballot clerks shall upon the delivery of official ballots to the electors announce the elector's name and the printed number on the stub of each ballot so delivered. See § 103, sub. 2.

Upon the return of a ballot or set of ballots unvoted, they shall announce the name of the elector returning them, and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots, and deposit the same in the box for detached stubs, and such ballots in a box for spoiled and mutilated ballots; and shall then make a memorandum of the number of such ballots and the fact that they were returned spoiled by the electors. See § 103, sub. 2.

If an elector deface or tear a ballot, or wrongly mark the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. See § 105.

Upon each delivery of the official ballot, or set of official ballots, by the ballot clerks to an elector, each poll clerk must make the proper entries in the proper column of the poll book. See § 103, sub. 3.

No ballot shall be delivered to an elector, except such as the voter is legally entitled to vote, and also a sample ballot when the same is asked for. See § 104, sub. 1.

Assistance for Certain Electors.

In cases of physical disability or illiteracy of an elector, which must be declared by the elector under oath, two of the election officers, both of whom shall not be of the same political faith, may enter the booth with such elector and assist him in preparing his ballots. Such election officers are forbidden to influence such elector, or reveal to any person the name of any candidate voted for by such elector. See § 104, sub. 2.

Receiving of Ballots.

When the ballot of a qualified elector is presented to the inspector in charge of the ballot box, such inspector shall announce the name of the elector and printed number on the stub in a loud and distinct voice, and if the elector be entitled to vote and be not challenged, or if challenged and the challenge be decided in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed endorsement on the back, and if such printed number is the same as that entered on the poll books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, after removing the stub or stubs therefrom in plain view of the elector, and without removing any other part of the ballot, or in any way exposing the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stub in the box for detached ballot stubs. See § 106.

As each elector votes the inspectors shall check his name upon such register, and shall enter therein in the column provided therefor, opposite the name of such elector, the consecutive number upon the stub of the ballot or set of ballots voted by him. See § 103, sub. 1.

As each elector offers his ballot, or set of ballots which he intends to vote, to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll books kept by him, as the number of the ballot or set of ballots last delivered to such elector is the same as the number on the stub or ballots so offered, and as each elector votes each poll clerk shall enter in the proper column on his poll book the number on the stub of the ballots so voted. See § 103, sub. 3.

Challenges.

A person may be challenged, either when he applies for an official ballot, or when he offers the ballot that he intends to vote, or previously by notice to that effect to an inspector by any elector. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. See § 108, sub. 1.

In such cases the following preliminary oath shall be tendered to him: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." See § 108, sub. 1.

The inspectors or one of them shall then ask the following questions under the preliminary oath:

1. What is your name?
2. What is your age?
3. Where do you reside? State as precisely as you are able the particular locality of your place of residence.
4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?
If a naturalized citizen—
9. When were you naturalized?
10. Where and in what court, or before what officer?
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?
13. How long do you contemplate residing in this election district?
14. Have you made a bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?
15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as compensation or reward for giving your vote at the next ensuing election?

16. Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?

17. Have you been convicted of felony?

18. If so convicted, have you been pardoned and restored to all the rights of citizenship?

In addition, such other questions may be asked which may tend to test the qualifications of the persons offering to vote as a resident of the election district, citizenship and right to vote at such polling place. See § 108, sub. 1.

Upon the refusal of any person to take the preliminary oath, and to answer fully the questions which may be put to him, his vote shall be rejected. See § 108.

After receiving the answers of the person challenged, the inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them to be deficient. See § 108.

And if the person persists in his claim to vote, and the challenge be not withdrawn, the following oath shall be administered to him: "You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election?" See § 108, sub. 2.

If the person so offering to vote shall be challenged for causes stated in section two of article two of the Constitution of this state, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and

that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election." See § 108, sub. 2.

If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen." See § 108, sub. 2.

If any person shall refuse to take either oath so tendered, his vote shall be rejected, but if he should take the oath or oaths tendered him, his vote shall be accepted. See § 108, sub. 2.

A record of the persons challenged is required to be kept, containing the name of every person who is challenged, or who takes either the preliminary or general oath, specifying in each case the particular oath taken, and at the close of election, the inspectors shall certify that the record contains the names of all persons challenged at such election in such district. See § 108, sub. 3.

Closing the Polls and Counting the Vote.

The polls shall be closed at five o'clock in the afternoon. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to the electors, and the electors entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act. See § 3.

Immediately upon the closing of the polls, the inspectors of election shall publicly canvass and ascertain the votes, and shall not adjourn or postpone the canvass until it shall be fully completed as follows. See § 110.

The ballots are to be canvassed in the following manner:

1. The box containing the general ballots is to be opened and ballots therein canvassed.
2. The box containing the ballots cast upon any constitutional amendment or other proposition or question is to be opened and ballots therein canvassed.
3. The board of inspectors shall compare the two poll books

with the registers used on election day as to the number of electors voting at the election, and correct any mistakes therein.

4. Count the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single.

5. Compare the number of ballots found in each box with the number shown on the poll books and the ballot clerks' statement to have been deposited therein.

6. If more ballots are found in any box than the number of ballots shown to have been deposited therein, such ballots shall all be replaced without being unfolded, in the box from which they were taken and shall be thoroughly mingled therein, and one of the inspectors designated by the board, shall, without seeing the same, with his back to the box, publicly draw out as many ballots as shall be equal to such excess and without unfolding them, forthwith destroy them.

7. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in the box exceeds the whole number of ballots shown by the poll books and ballot clerks' statement to have been deposited therein, and not otherwise.

8. If there lawfully be more than one ballot box for the reception of ballots voted, no ballot properly endorsed, found in the wrong ballot box shall be rejected, but shall be placed in its proper box by the inspectors before canvassing and counted in the same manner as if found in the proper ballot box, if such ballot shall not together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' statement to have been deposited in the proper box.

9. No ballot that has not the official endorsement, shall be counted except such as are voted in accordance with the provisions of the election law, relating to unofficial ballots.

10. The chairman only of the board of inspectors shall unfold the ballot taken from the ballot box.

Rules for Counting.

Rules governing the counting of votes are contained in subdivision 2 of section 110, under the head "Intent of electors," and should be consulted by election officers upon any question arising during the canvass.

Method of Counting.

The method of counting shall be as follows:

1. The straight ballots are to be separated from the split ballots and counted, and the number of straight party votes for each candidate counted.
2. The number of straight party votes for each candidate shall be entered on each tally sheet by the poll clerk keeping the same.
3. The split ballots will then be taken up separately by the chairman of the board, who shall announce the vote for each candidate on each such ballot in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same.
4. As the votes on each split ballot are counted, such ballots shall be passed to the other inspectors for verification.
5. After the poll clerks have added together all the votes for each candidate, and the ballots wholly blank and void, together with the ballots on which no votes were counted, for any candidate for such office, and shall have entered the sum thereof in the proper column of the tally sheet, as soon as the count is completed for each office, they shall submit the results to the inspectors.
6. If the result is found to be correct the chairman shall at once announce the same.
7. When a ballot is not void and is objected to as marked for identification the inspectors shall write on such ballot the words "objected to because marked for identification," and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The vote shall be counted by them as if not so objected to.
8. Inspectors must exhibit, if requested, any and all ballots to watcher, fully opened, and in such condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand.
9. In cities of first class the chairman of the board shall forthwith upon completion of the count of votes and announcement thereof, deliver to the police officer on duty at the polling place a statement subscribed by the board stating the number of votes received by each candidate for office. See § 110, sub. 3.

Statement of Canvass and Certified Copies.

Upon the completion of the canvass the board of inspectors shall make out an original statement of canvass and two certified copies thereof, and sign and certify them as required by law.

Each ballot declared void by the inspector shall be endorsed upon the back thereof, with the specific reason for its rejection, and such void ballots, together with the ballots which were protested as being marked for identification, shall be secured in separate sealed package which shall be endorsed on the outside thereof, with the names of the inspectors and designation of the election district, and the number and kind of ballots contained therein.

Unofficial ballots which are voted shall be returned in a package with the void and protested ballots. See § 111.

The ballots voted, except the void and protested ballots, should be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced, and each such box shall be securely locked and sealed, and immediately deposited with the officer or board furnishing such boxes. See § 111.

Proclamation of Result.

Upon the completion of the canvass of the original statement and certified copies, and the result thereof, the chairman of the board shall make public oral proclamation of the result of the canvass. See § 112.

Such proclamation of result should be made in the form following:

“Hear ye! hear ye! hear ye! The whole number of votes given for the office of (governor) found in the box just canvassed was (1090); of which number there were given for said office, for Roswell P. Flower (595), for Jacob Sloat Fassett (362), for Joseph W. Bruce (153),” (naming each person voted for, for the office of governor, and the number of votes given for him for that office).

“The whole number of votes given for the office of lieutenant-governor, found in the same box, was; of which there were given for that office, for William F. Sheehan,, for John W. Vrooman,” Proceed on with the votes given for the different candidates.

The original statement of canvass and the certified copies thereof will then be securely and separately sealed with sealing wax in an envelope properly endorsed on the outside thereof by the inspectors. See § 112.

Delivery and Filing of Papers, etc.

At every general election, the chairman of the board shall forthwith upon the completion of the canvass, deliver one certified copy thereof as follows:

One copy shall be delivered to the supervisor of the town or city in which the election district is situated, and if there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such copy shall be forthwith delivered to the assessors of such town or city. See § 113, sub. 1.

One certified copy of such original statement of the result of the canvass, together with the poll books of the election and one of the tally sheets shall be forthwith filed by the inspectors, or by one of them deputed for that purpose, with the town or city clerk as the case may be. See § 113, sub. 1.

The original certified statement of the result of the canvass, with the original ballot return, prepared by the ballot clerk, attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, with the sealed packages of the detached stubs and unvoted ballots, and one of the tally sheets shall within twenty-four hours after the completion of the canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the election district is situated. See § 113, sub. 1.

The registers of electors and public copy thereof shall be filed in cities of the first class, at the close of the canvass of votes, or within twenty-four hours thereafter shall be filed respectively with the board of elections in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York in which the election district is located, and in the city of Buffalo, with the commissioner of elections. See § 35, sub. 2.

In all other election districts of the state, one copy of the register shall within twenty-four hours after the close of election, be filed in the office of the town or city clerk in which such elec-

tion district is, and the other copies with the county clerk. See § 113, sub. 2.

In the city of New York, the original statement of canvass, the sealed packages of void and protested ballots and other election papers and packages, shall be filed as provided in subdivision 2, of section 113, of the election law.

In election districts within the metropolitan elections district, the certified copy or original statement, tally sheet and poll book required to be filed with the town or city clerk, under subdivision 1 of section 113; and the certified copy of the original statement of canvass required to be filed with the city clerk of the city of New York, the poll book and tally sheet required to be filed with the superintendent of elections of such city and with the chief of the branch bureaus of election, under subdivision 2 of said section, shall be forthwith filed by such officers in the office of the state superintendent of elections for the metropolitan elections district. See § 113, sub. 3.

HOW TO VOTE.

Enter within the guard rail through the entrance provided, and forthwith proceed to the inspectors and give your name and residence to the inspectors. If entitled to vote, and your vote is not challenged, or if challenged, and the challenge be decided in your favor, one of the ballot clerks will deliver to you one official ballot, or set of official ballots, folded in the proper manner. See § 104, sub. 1.

You will then retire alone to one of the voting booths for the purpose of preparing your ballots. The following rules are to be observed in marking your ballots (see § 105):

Rule 1. If the elector desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nominated, he should make a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket, does not contain the names of candidates for all offices for which

the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The elector can vote for any office by omitting to make a cross X mark in any circle, and making a cross X mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "Yes" or "No" which he desires to give on each such question submitted.

Rule 7. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark.

If you spoil a ballot, return it to the ballot clerk, and he will give you another, not exceeding in all three sets, upon returning each set of ballots defaced or wrongly marked. See § 105.

You are not allowed to occupy a voting booth occupied by another, nor to occupy a booth more than five minutes in case all the booths are in use and electors waiting to occupy the same. See § 105.

Before leaving the voting booth, fold your ballot in the proper manner for voting, which is first by bringing the bottom of the ballot up to the perforated line, and second, by folding both sides to the center or towards the center in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the endorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any of the face of the ballot below the stub, and so that when folded, the ballot shall not be more than four inches wide. See § 104, sub. 1.

The ballots handed to you by the ballot clerks will be properly folded and can be refolded by you in the same manner. Such manner of folding should be carefully observed before unfolding your ballot for the preparation of your vote. See § 104.

After preparing your ballots proceed at once to the inspector in charge of the ballot box, deliver your ballots to him and after seeing them deposited, leave the enclosed space. See § 106.

A voter who declares on oath at the time of registration or if subsequently disabled, on the day of election, that for lawful reasons he is unable to mark his ballot without assistance, may receive the assistance of two of the election officers in marking the same. See § 104, sub. 2.

All ballots must be marked with a lead pencil having black lead only. See § 105.

An elector is not allowed to re-enter the enclosed space after having voted. See § 106.

An elector who does not vote a ballot delivered to him must return the same to the election officer before leaving the polling place. See § 106.

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